

To: Orlin, David[Orlin.David@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Korotney, David[korotney.david@epa.gov]; Reid, Lauren[Reid.Lauren@epa.gov]
From: Argyropoulos, Paul
Sent: Wed 7/13/2016 5:46:58 PM
Subject: RE: ICYMI-- trade press article on 2017 RVO public comments

Yup. We've know this for some time. It's just now they are making it a little more public.

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

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Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Orlin, David
Sent: Wednesday, July 13, 2016 11:46 AM
To: Dubois, Roland <Dubois.Roland@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Korotney, David <korotney.david@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>
Subject: ICYMI-- trade press article on 2017 RVO public comments

AFPM and API are coming down on different sides of the POO—

Ethanol advocates say the U.S. “supply” of renewable fuels -- including adequate infrastructure -- supports their call for EPA to increase the fuel blending targets in its proposed 2017 renewable fuel standard (RFS) rule, while also reiterating prior claims that the proposed rule unlawfully sets fuel volumes below those required by statute.

In contrast, the ethanol sector's oil industry opponents remain focused on the argument that EPA's proposed volumes would breach the “blend wall,” or the point at which vehicle and infrastructure constraints mean that the market cannot absorb more ethanol without causing dramatic fuel price increases. The oil industry has long claimed that the RFS sets unachievable blending targets, forcing refiners to instead purchase expensive compliance credits.

The competing arguments are outlined in comments that groups filed on the 2017 RFS proposal ahead of a July 11 deadline for public input. EPA released the proposed rule May 18, in an attempt to get its RFS program back on track and comply with a statutory mandate to release the RFS rule for 2017 by Nov. 30 of this year.

The agency previously finalized a multi-year RFS rule for 2014 through 2016, acknowledging the blend wall and yet failing to satisfy either its oil industry or ethanol sector critics with that rulemaking.

The 2017 proposal would set the total renewable fuel mandate at 18.8 billion gallons (bn gal), with advanced fuels at 4 bn gal and cellulosic fuels at 312 million gallons. This compares to final volumes of 18.11 bn gal for total renewable fuels, 3.61 bn gal for advanced biofuels and 230 million gallons for cellulosic biofuels in 2016. For 2018, the agency proposes a biodiesel volume of 2.1 bn gal, up from 2 bn gal in 2017.

Pro-ethanol groups in their comments say EPA is in fact citing constraints in distribution infrastructure that do not qualify as supply, when in fact supplies of corn-based ethanol -- the primary fuel source used to meet the total renewable fuel target -- are abundant.

Renewable fuel proponents are making this argument in their ongoing lawsuit against EPA, *Americans for Clean Energy v. EPA*, seeking higher fuel volumes in the multi-year rule setting volumes for compliance years 2014-2016. The suit is pending in the U.S. Court of Appeals for

the District of Columbia Circuit, and oil industry groups seeking reduced renewable fuel volumes are also intervening in the case.

Supporters of ethanol are now, in their comments on the 2017 RFS, insisting that notwithstanding the waiver's legality, the distribution constraints EPA relies on are greatly exaggerated.

'Legally Invalid'

For example, pro-ethanol group Growth Energy in its July 11 comments says that despite its opinion that EPA's approach is still “legally invalid,” the agency has in any event underestimated the actual availability of renewable fuels.

“EPA substantially understates the maximum amount of renewable fuel that could reasonably be consumed in 2017 through a number of defects in its analysis,” the group says. Department of Energy projections now call for more gasoline and 85 percent ethanol fuel (E85) than EPA assumes, and “EPA’s prediction of the number of E85 stations misapprehends the industry’s infrastructure needs and its ability to expand quickly.”

Crucially, EPA underestimates the capacity of the market to actually distribute 15 percent ethanol fuel (E15), Growth Energy says. “Even a conservative estimate of existing distribution capacity shows that EPA has not identified the maximum reasonably achievable volume of E15. Capacity is even higher after accounting for the expansion of that capacity that is already in progress, as well as the market’s ability to quickly and cheaply expand further. Nor is there meaningful constraint on consumption of E15, as there are more than enough E15 compatible vehicles on the road to consume all the E15 that could likely be delivered,” the comments say.

Further, EPA has no basis for refusing to rely on the bank of RFS credits, known as renewable identification numbers (RINs), from previous compliance years when setting volume requirements for 2017, the group says.

The Renewable Fuels Association (RFA) in its July 11 comments makes similar points, with the

group's President and CEO Bob Dinneen saying, “with this proposal EPA seems to be completely ignoring today’s true marketplace realities. Nearly 85% of the vehicle fleet is legally approved to consume blends containing more than 10% ethanol. Meanwhile, U.S. Department of Agriculture and industry-led programs are dramatically expanding the infrastructure for higher level ethanol blends.”

Dinneen further says that EPA is greatly exaggerating the amount of Brazilian sugar cane ethanol that will enter the country in 2017, wrongly using this flawed assumption to justify setting the RFS volumes below statutory levels.

Infrastructure 'Issues'

Meanwhile, oil industry groups in their comments on the 2017 RFS proposal reiterate long-running concerns about fuel volumes that are impossible to meet -- the same claim the groups have made over prior years' RFS targets.

The American Petroleum Institute (API), representing large, integrated refining operations, in its July 11 comments says, “API's primary concern with the RFS is the ethanol blendwall. There are serious vehicle and infrastructure compatibility issues with ethanol blends above 10%. Gasoline demand increases projected at the inception of the RFS have not materialized, nor has the commercialization of cellulosic biofuels at the rate Congress envisioned.”

API continues to call for no more than 9.7 percent of ethanol in the gasoline pool.

The American Fuel and Petrochemical Manufacturers (AFPM), representing refiners, in its July 11 comments echoes API's points on the blend wall, and further challenges ethanol proponents' basis for claiming that the RIN bank be used to set volume requirements.

“RINs were merely intended to serve as a compliance mechanism; there is no evidence in the legislative and regulatory history of the RFS that RINs were to function as a tool to spur investment or to compel refining companies to subsidize gasoline marketers and retailers for mid-level ethanol blends or E85 sales,” the group says.

EPA in its proposal does not intend to move the RFS “point of obligation,” which currently falls on refiners and importers who must either blend fuels or surrender RINs purchased from others to prove compliance with the program.

Nevertheless, AFPM says, “The point of obligation should be moved to the title holder of the hydrocarbon fuel at the rack just prior to blending. EPA must make changes in the 2017 rule that are necessary to correct market failures and reduce the systemic cost of compliance with the RFS.” This would assist small refiners who do not blend their own renewable fuels, who are otherwise forced to buy RINs to comply.

However, API says it “opposes moving the point of RFS obligation. Moving the point of obligation will add greater complexity and uncertainty to an already flawed program, and accordingly we urge EPA to continue to reject the efforts by some to move the point of obligation.” -- Stuart Parker (sparker@iwpnews.com)

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Machiele, Paul[machiele.paul@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
Cc: Reid, Lauren[Reid.Lauren@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Charmley, William[charmley.william@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Argyropoulos, Paul
Sent: Thur 7/7/2016 10:57:23 AM
Subject: RE: POO Plan for Administrator

Pretty convoluted. I would suggest we consider things in this order:

Ex. 5 - Deliberative Process

Paul Argyropoulos

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US EPA

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Phone: 202-564-1123

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From: Machiele, Paul

Sent: Wednesday, July 06, 2016 9:07 PM

To: Dubois, Roland <Dubois.Roland@epa.gov>

Cc: Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>;
Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas
<burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David
<Orlin.David@epa.gov>

Subject: Re: POO Plan for Administrator

Ex. 5 - Deliberative Process

Sent from my iPhone

On Jul 6, 2016, at 6:17 PM, Dubois, Roland <Dubois.Roland@epa.gov> wrote:

Ex. 5 - Deliberative Process Attorney Client

Ex. 5 - Deliberative Process Attorney Client

From: Machiele, Paul

Sent: Wednesday, July 06, 2016 5:13 PM

To: Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

Subject: RE: POO Plan for Administrator

Yes, please do. I was going to try this afternoon, but didn't get to it. I'd spend more time on our take on the issues they raised and less on background. Should also explain who we have briefed on the issue and their reactions, and offer a detailed brief if requested.

Paul

From: Reid, Lauren
Sent: Wednesday, July 06, 2016 3:47 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: POO Plan for Administrator

I'd have some time tomorrow morning to add in some of the background issues highlighted below to the 2-pager. Let me know if you'd like me to start doing that.

From: Hengst, Benjamin
Sent: Wednesday, July 06, 2016 2:55 PM
To: Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Charmley, William <charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: POO Plan for Administrator

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Machiele, Paul

Sent: Wednesday, July 06, 2016 1:57 PM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Charmley, William <charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

Subject: POO Plan for Administrator

I took what we gave to Janet and reworked it

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ben, what is the plan for this? Did you want to run it past Chris and Janet and then send it up to the Administrator?

If I should have copied someone else on this, please forward it.

Paul

To: Machiele, Paul[machiele.paul@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Reid, Lauren[Reid.Lauren@epa.gov]; Korotney, David[korotney.david@epa.gov]; Charmley, William[charmley.william@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Le, Madison[Le.Madison@epa.gov]
From: Argyropoulos, Paul
Sent: Fri 6/17/2016 11:02:23 AM
Subject: RE: Draft POO Response Plan
[RFS Point of Obligation Response Plan -PA clean.docx](#)
[RFS Point of Obligation Response Plan -PA.docx](#)

Looks good. Some suggested edits, a question and comment in the attached. I included a track change version and a clean version. I also modified the margins etc. to move most of it to 1 page.

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From: Machiele, Paul
Sent: Thursday, June 16, 2016 5:27 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Korotney, David <korotney.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Le, Madison <Le.Madison@epa.gov>
Subject: Draft POO Response Plan

Attached please find the draft one (2) pager that I put together for discussion with Chris next

week and then with Janet as necessary laying out our plan for responding to the POO petitions that we discussed on Tuesday.

I'm off tomorrow, so thought I would get it in your hands before I left.

Paul

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Burkholder, Dallas[burkholder.dallas@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]
From: Argyropoulos, Paul
Sent: Fri 6/3/2016 3:15:13 PM
Subject: Re: BP meeting request

I agree.

Paul Argyropoulos
Senior Policy Advisor
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On Jun 3, 2016, at 10:05 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Gang—see below. My inclination is that we advise yes, Janet meet with BP for 30 min.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Any objections? Ben

From: Atkinson, Emily
Sent: Friday, June 03, 2016 9:43 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Cc: Stewart, Lori <Stewart.Lori@epa.gov>
Subject: FW: BP meeting request

Janet has not reviewed this meeting request (she is on travel today) but I thought I would run this by OTAQ to see if you all have a recommendation on whether or not she should take this meeting. David Van Hoog also called me this morning to clarify BP would like 30 minutes and to talk about issues raised in their April 15 letter to Janet. I don't have a copy of the letter but perhaps you all do, or I could ask David to resend it to me.

Let me know what you all would like to do with this request.

From: Raburn, Janice [<mailto:Janice.Raburn@bp.com>]
Sent: Thursday, June 02, 2016 9:31 PM
To: Knapp, Kristien <Knapp.Kristien@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: Re: BP meeting request

Kristien,

Thank you for the prompt reply and for connecting me with Emily.

Emily,

My meeting request information is in the email below. Please let me know if you need additional information. My contact information is also below.

Best regards,

Janice

Sent from my iPad

On Jun 2, 2016, at 5:40 PM, Knapp, Kristien <Knapp.Kristien@epa.gov> wrote:

Hi Janice – I'm not working in the OAR AA's office anymore but I still support them while they have me on detail to the Administrator's Office. In any event, I am very happy to help connect you with Janet McCabe's scheduler – Emily Atkinson, who I've copied on this email. You can work with Emily directly to try to get this meeting scheduled.

All the best,

Kristien

From: Raburn, Janice [<mailto:Janice.Raburn@bp.com>]
Sent: Thursday, June 02, 2016 5:09 PM
To: Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: BP meeting request

Hi Kristien,

Are you still working in the OAR Assistant Administrator's Office? If so (or if not), would you be able to direct me to the right person to arrange a meeting with Janet McCabe? I am including details on our request, in case you forward this to the appropriate person.

I am seeking a meeting between Ms. McCabe and Doug Sparkman, Chief Operating Officer, BP Fuels North America. I would also attend the meeting.

Topics: Renewable Fuel Standard (RFS) proposed 2017 volumes and RFS Point of Obligation.

Potential meeting times:

- ☐ ☐ ☐ ☐ ☐ ☐ June 22, 11am-1pm and after 3pm

- ☐ ☐ ☐ ☐ ☐ ☐ June 23, 9am-10am and after 3:30pm

Thank you for your help.

Best regards,

Janice

Janice K. Raburn

Manager, Fuels Regulatory Advocacy

BP Products North America Inc.

1101 New York Ave NW, Suite 700

Washington, DC 20005

Office 202-346-8516

Fax 202-457-6597

Mobile: 202-210-8540

janice.raburn@bp.com

To: Patrick Kelly[kellyp@api.org]; Machiele, Paul[machiele.paul@epa.gov]
From: Argyropoulos, Paul
Sent: Fri 5/20/2016 3:26:03 PM
Subject: RE: Meeting Request from API

Got it. Thanks.

Paul Argyropoulos

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From: Patrick Kelly [mailto:kellyp@api.org]
Sent: Friday, May 20, 2016 11:24 AM
To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>
Subject: RE: Meeting Request from API

Paul and Paul,

Here is the list of people planning to attend in DC. The list is longer than I anticipated, but we don't all have to sit at the table. Thanks again for taking the meeting on short notice.

Patrick

1. Fred Walas, Marathon

2. Elisabeth Vrahopoulou, ExxonMobil
3. John Reese, Shell
4. Janice Raburn, BP
5. Bob Anderson, Chevron
6. Marla Benyshek, P66
7. Patrick Kelly, API
8. Erik Baptist, API

From: Argyropoulos, Paul [<mailto:Argyropoulos.Paul@epa.gov>]
Sent: Thursday, May 19, 2016 3:55 PM
To: Patrick Kelly; Machiele, Paul
Subject: RE: Meeting Request from API

As Paul M stated, we are counting on it. I booked a room so just make sure to get here and clear security in advance so we can start on time.

Thanks and see you next week.

Thanks, Paul

Paul Argyropoulos

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Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Patrick Kelly [<mailto:kellyp@api.org>]

Sent: Thursday, May 19, 2016 10:40 AM

To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>

Subject: Meeting Request from API

Paul Machiele and Paul Argyropoulos,

API would like to request a meeting on Tuesday May 24 to discuss the RFS point of obligation. If possible, 10:00-10:45 am edt would work best, though we are flexible on the timing.

A proposed agenda is below, please let me know if you'd like to add anything.

- RFS Point of Obligation
 - o API's current position
 - o Stakeholder comments in prior rulemakings
 - o Potential consequences of moving the Point of Obligation

Potential attendees include the individuals listed below. I'll send a final list later this week if we can confirm the meeting.

Marla Benyshek, P66

Bob Anderson, Chevron

Fred Walas, Marathon

Janice Raburn, BP

Elisabeth Vrahopoulou, ExxonMobil

Patrick Kelly, API

Erik Baptist, API

Thank you for considering the request and if you have any questions my number is 202-682-8192.

Patrick Kelly

To: Patrick Kelly[kellyp@api.org]; Machiele, Paul[machiele.paul@epa.gov]
From: Argyropoulos, Paul
Sent: Thur 5/19/2016 7:54:35 PM
Subject: RE: Meeting Request from API

As Paul M stated, we are counting on it. I booked a room so just make sure to get here and clear security in advance so we can start on time.

Thanks and see you next week.

Thanks, Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

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Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Patrick Kelly [mailto:kellyp@api.org]
Sent: Thursday, May 19, 2016 10:40 AM
To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>
Subject: Meeting Request from API

Paul Machiele and Paul Argyropoulos,

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A proposed agenda is below, please let me know if you'd like to add anything.

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ RFS Point of Obligation
 - API's current position
 - Stakeholder comments in prior rulemakings
 - Potential consequences of moving the Point of Obligation

Potential attendees include the individuals listed below. I'll send a final list later this week if we can confirm the meeting.

Marla Benyshek, P66

Bob Anderson, Chevron

Fred Walas, Marathon

Janice Raburn, BP

Elisabeth Vrahopoulou, ExxonMobil

Patrick Kelly, API

Erik Baptist, API

Thank you for considering the request and if you have any questions my number is 202-682-8192.

Patrick Kelly

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Korotney, David[korotney.david@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]; Mylan, Christopher[Mylan.Christopher@epa.gov]; Richards, David[Richards.David@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Argyropoulos, Paul
Sent: Tue 5/17/2016 6:28:21 PM
Subject: RE: Press release and roll-out plan, updated
RFS NPRM 2016 Press Release 5-17-16 2pm - DK - PA.docx
RFS 2017 NPRM Roll Out Plan - 5 17 16 2pm - DK - PA.docx

Ben, see my comments

Paul Argyropoulos

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Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Hengst, Benjamin
Sent: Tuesday, May 17, 2016 2:24 PM
To: Korotney, David <korotney.david@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: RE: Press release and roll-out plan, updated

Thanks

I made the changes and saved it to the x-drive folder

From: Korotney, David
Sent: Tuesday, May 17, 2016 2:21 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Birgfeld, Erin <Erin.Birgfeld@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: RE: Press release and roll-out plan, updated

I found a couple of errors in both documents.

From: Hengst, Benjamin
Sent: Tuesday, May 17, 2016 2:10 PM
To: Birgfeld, Erin <Erin.Birgfeld@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Cc: Korotney, David <korotney.david@epa.gov>
Subject: Press release and roll-out plan, updated

Team,

I made a few final tweaks (e.g., added close of comment period to press release) to the PR. I also updated the call list and timing in the roll-out plan. Can folks please take a quick look and make sure this is all accurate? In a few hours I'll circulate to a much broader group.

Thanks,

Ben

To: Birgfeld, Erin[Birgfeld.Erin@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Mylan, Christopher[Mylan.Christopher@epa.gov]; Richards, David[Richards.David@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Korotney, David[korotney.david@epa.gov]
From: Argyropoulos, Paul
Sent: Mon 5/2/2016 7:16:40 PM
Subject: RE: Review of Comms materials for RVO proposal
RFS NPRM 2016 Press Release 5 2 16 - eb - PA.docx
RFS 2016 NPRM Roll Out Plan - 5 2 16 - PA.docx

Thanks Erin.

A few suggested changes to the desk statement which could also be applied to the rollout key messaging. See the attached.

Paul

Paul Argyropoulos

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Web: www.epa.gov

From: Birgfeld, Erin
Sent: Monday, May 02, 2016 2:55 PM
To: Machiele, Paul <machiele.paul@epa.gov>
Cc: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Richards, David <Richards.David@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>;

Korotney, David <korotney.david@epa.gov>

Subject: Review of Comms materials for RVO proposal

Hi Paul M.

Attached is the roll out plan, draft press release, and a potential graphic that could be used on the website for the RVO proposal release. Let us know if you or the team have comments on anything, but it particular we'd like you to focus on the following:

- 1) **The graph...** which would be included on the website. We have not presented the info in this way before so we want to be sure folks are OK with it. So far, Argy is a fan! (not to Argy and David – I made a few more tweaks but nothing substantive)
- 2) **The Q and A's...** which are included in the roll out doc and updated from last year's documents, and drawn from Janet's testimony. We'd love to know if there are any likely press questions that we missed.

If you and the team can provide comments back to us by COB Wednesday we will be in great shape. Thank you!

-Erin

Erin Birgfeld

Communications Director

Office of Transportation and Air Quality

U.S. EPA

202-564-6741 (work)

202-255-4434 (cell)

Work Schedule: 9-5:30 daily; Flexiplace every Thursday (call 202-255-4434 to reach me on Thursdays).

From: Argyropoulos, Paul
Location: TBD
Importance: Normal
Subject: Accepted: Meeting with Chevron on Point of Obligation
Start Date/Time: Tue 5/3/2016 5:30:00 PM
End Date/Time: Tue 5/3/2016 7:00:00 PM

To: Machiele, Paul[machiele.paul@epa.gov]; Gustafson, Kurt[Gustafson.Kurt@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Korotney, David[korotney.david@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Le, Madison[Le.Madison@epa.gov]; Weihrauch, John[Weihrauch.John@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Manners, Mary[manners.mary@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]
From: Argyropoulos, Paul
Sent: Wed 4/27/2016 6:23:53 PM
Subject: CEO's from Merchant Refiners Meeting with Janet on May 2 - Do we have any situation summaries for the following companies?

Next week, a group of CEO's from merchant refiners are coming in to speak with Janet. They are coming in to talk about the point of obligation and their situations.

I'm out until Monday and it would be good to have at least the following basic info available:

Company: Monroe Energy

CEO: Jeff Warmann

Refinery/ies: Trainer Facility, Near Philadelphia

Capacity/Volumes: 185,000BBD

Compliance Status in Past Years:

Any background on RIN Holdings/Positions

Web: <http://www.monroe-energy.com/>

Company: Philadelphia Energy Solutions: PES

CEO: Phillip Rinaldi

Refinery/ies: Point Breeze and Girard Point refineries

Capacity/Volumes: 335,000BBL/Day

Compliance Status in Past Years:

Any background on RIN Holdings/Positions

Web: <http://pes-companies.com/>

Company: HollyFrontier

CEO: George J. Damiris

Refinery/ies: 5 – Cheyenne (52K BBL); El Dorado Kansas (135K BBL); Navaho New Mexico (100K BBL); Tulsa (124K BBL); Tulsa (125 BBL)

Capacity/Volumes

Compliance Status in Past Years:

Any background on RIN Holdings/Positions

Web:

NOTE: I've asked Steven Shimburg to get us a complete list of names and an agenda as well but haven't heard back yet. He indicated others may come in as well.

Thanks, Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

To: Mylan, Christopher[Mylan.Christopher@epa.gov]; Allen, Laura[Allen.Laura@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]
Cc: StClair, Christie[StClair.Christie@epa.gov]
From: Argyropoulos, Paul
Sent: Wed 4/27/2016 10:53:51 AM
Subject: RE: RFS
RFS 2016 NPRM Roll Out Plan - 4 26 16 - PA.docx

A few suggested tweaks.

Also, I suggested ditching a bunch of the calls and lowering the level of contacts made in some cases. See the suggestions.

Thanks, Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Mylan, Christopher
Sent: Tuesday, April 26, 2016 5:22 PM
To: Allen, Laura <Allen.Laura@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Cc: StClair, Christie <StClair.Christie@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: RE: RFS

Hi Laura,

Here is the updated rollout plan.

Thanks,

Christopher Mylan

Communications Specialist

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

Phone: (202) 564-7411

From: Allen, Laura

Sent: Tuesday, April 26, 2016 4:14 PM

To: Birgfeld, Erin <Birgfeld.Erin@epa.gov>

Cc: StClair, Christie <StClair.Christie@epa.gov>; Mylan, Christopher
<Mylan.Christopher@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>

Subject: Re: RFS

Yes, or tomorrow is great. Thanks!

On Apr 26, 2016, at 4:04 PM, Birgfeld, Erin <Birgfeld.Erin@epa.gov> wrote:

Hey Laura,

Release date for RFS proposal is May 18. Here is the roll out we discussed today. Chris Mylan is tweaking to reflect our discussion today. OK, if we send along by COB?

-Erin

From: Allen, Laura
Sent: Tuesday, April 26, 2016 3:48 PM
To: Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Cc: StClair, Christie <StClair.Christie@epa.gov>
Subject: RFS

Can you share the RFS comms materials and also remind me of the planned release date?

Thanks!

Laura Allen

Deputy Press Secretary
Office of the Administrator
U.S. Environmental Protection Agency

Email: Allen.Laura@epa.gov

Office: 202-564-1175

Mobile: 202-731-3005

Please consider the environment before printing this email.

To: Mylan, Christopher[Mylan.Christopher@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]
Cc: Richards, David[Richards.David@epa.gov]
From: Argyropoulos, Paul
Sent: Tue 4/26/2016 2:59:36 PM
Subject: RE: Draft RFS Roll Out
RFS 2016 NPRM Roll Out Plan v3 -PA.docx

Just a few more thoughts. See attached. Looks better.

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Mylan, Christopher
Sent: Tuesday, April 26, 2016 9:44 AM
To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Cc: Richards, David <Richards.David@epa.gov>
Subject: Draft RFS Roll Out

Thanks for the edits, Paul. I've updated the doc with the new information.

I still think we need to come up with a couple of Q/As on litigation, but we should be in a good place to discuss with the comms teams this afternoon.

Erin, I didn't know if Ben wanted to take a look before we send it to Millett, Laura etc. so I'll hold until I hear back from you.

Thanks!

Christopher Mylan

Communications Specialist

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

Phone: (202) 564-7411

From: Argyropoulos, Paul

Sent: Monday, April 25, 2016 8:50 AM

To: Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Erin.Birgfeld@epa.gov>

Cc: Richards, David <Richards.David@epa.gov>

Subject: Use this one : Draft RFS Roll Out

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Argyropoulos, Paul

Sent: Monday, April 25, 2016 8:48 AM

To: Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Erin.Birgfeld@epa.gov>

Cc: Richards, David <Richards.David@epa.gov>

Subject: RE: Draft RFS Roll Out

Thanks. I have attached my comments and suggested edits. Good first cut on a very complicated program. Don't fret over my extensive suggestions and comments – it's complicated.

Here ya go. Erin, we may want to meet on all of this soon.

Thanks, Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Mylan, Christopher
Sent: Friday, April 22, 2016 4:39 PM
To: Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Cc: Richards, David <Richards.David@epa.gov>
Subject: RE: Draft RFS Roll Out

Thanks for the great start, David! Took a quick look and made a couple of edits in the attached doc. Will continue to tweak on Monday...

Thanks,

Christopher Mylan

Communications Specialist

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

Phone: (202) 564-7411

From: Birgfeld, Erin
Sent: Friday, April 22, 2016 12:21 PM
To: Mylan, Christopher <Mylan.Christopher@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Cc: Richards, David <Richards.David@epa.gov>
Subject: FW: Draft RFS Roll Out

Hi Chris and Paul,

Here is David's inaugural roll out strategy. I asked him to pull from previous materials. Would

you guys be able to take a look today and provide comments. I won't be able to review until the weekend. Today really blew up on me!

Thank you!

-Erin

From: Richards, David
Sent: Thursday, April 21, 2016 1:32 PM
To: Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: Draft RFS Roll Out

Hi Erin,

Here is the RFS roll out draft. It's a collection of all different materials I could find from the actual proposed rule to last year's press materials. I also wanted to add more than less. I figure it's easier to take stuff out. There are some highlights to where we need to verify/update.

The google analytics training is from 2-3.30, but it's all remote, so if you need me, I can still check email.

David

From: Birgfeld, Erin
Sent: Wednesday, April 20, 2016 4:00 PM
To: Richards, David <Richards.David@epa.gov>
Subject: RE: Draft RFS Roll Out

Hi David,

Send me whatever you have by COB tomorrow, and I can take a quick look and provide comments and direction on Friday.

Thank you!

-Erin

From: Richards, David
Sent: Wednesday, April 20, 2016 3:57 PM
To: Birgfeld, Erin <Erin.Birgfeld@epa.gov>
Subject: Draft RFS Roll Out

Hey Erin,

So I have a rough draft of the RFS Roll Out, but I was hoping to maybe look over it a bit longer to clear up/learn more. When do you need this by? Thanks

David

To: Grundler, Christopher[grundler.christopher@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Charmley, William[charmley.william@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Iffland, JoNell[Iffland.JoNell@epa.gov]; Patterson, Susan[Patterson.Susan@epa.gov]
From: Argyropoulos, Paul
Sent: Mon 4/25/2016 3:22:56 PM
Subject: RE: Pre-Brief: Chet Thompson - AFPM

Chris, per your request, here's a screenshot of the AFPM website with the citation. Note, it's the last paragraph/sentence in their policy statement.

[https://www.afpm.org/policy-position-renewable-fuel-standards/](#)

One EPA Workpla...

Home Page | Dies...

File Edit View Favorites Tools Help

Sign-In Notification


Volley Ball

Web Slice Gallery

Town and Country

Free Hotmail

http--www.autotrader.co...



AFPM
 American
 Fuel & Petrochemical
 Manufacturers

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POLICY POSITIONS

Home // Policy Positions // Fuels // Policy Position - Renewable Fuel Standards

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RENEWABLE FUEL STANDARDS

Current federal and state renewable fuel standard (RFS) and biofuel requirements include a number of various ethanol and biodiesel mandates.

The Energy Independence & Security Act (EISA) became law in December 2007. Among its many provisions, EISA increases the mandated nationwide use of biofuels to 36 billion gallons in 2022, and establishes an "advanced biofuel" subset of the RFS beginning in 2009 that includes mandates for the use of cellulosic biofuel, biomass-based diesel, and other nonconventional biofuels.

Ethanol is currently used in over 90 percent of U.S. gasoline, and AFPM recognizes that biofuels will continue to be a strong and growing component of the nation's transportation fuel mix.

AFPM opposes the mandated use of alternative fuels and supports the sensible and workable integration of alternative fuels into the marketplace based on market principles. Energy policy based on mandates is not a recipe for success. There is no free market if every gallon of biofuels – including those that do not exist – is mandated. Mandates distort markets and result in stifled competition and innovation.

AFPM's members are dedicated to working cooperatively with government at all levels in implementing the current Renewable Fuel Standard to the extent possible. However, AFPM advocates an RFS program that is understandable, allows unambiguous enforcement, promotes adequate flexibility for refiners and gasoline importers, and is developed with a full realization of its impact on energy supplies and potential unintended negative environmental and economic consequences.

AFPM further believes that regulations should not be structured in a manner that would alter the current transportation fuels supply, distribution or infrastructure system.

RFS Frequently Asked Questions

Related Documents:

- AFPM RFS Letter to President Obama
- Revised Renewable Fuel Standard Rules

Related Web Links:

- AFPM's summary of state gasoline, diesel and transportation biofuels standards

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<https://www.afpm.org/jones-act/>

Paul Argyropoulos
Senior Policy Advisor

ED_001174_00003427

US EPA
Office of Transportation and Air Quality
Phone: 202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Web: www.epa.gov

From: Argyropoulos, Paul
Sent: Monday, April 25, 2016 10:10 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Iffland, JoNell <Iffland.JoNell@epa.gov>; Patterson, Susan <Patterson.Susan@epa.gov>
Subject: RE: Pre-Brief: Chet Thompson - AFPM

Chris and others, I haven't heard anything further from Rich M. at AFPM on topics for tomorrow. His VM last week indicated the primary focus of tomorrow's meeting is POO/POR. Rich said he would let me know today what, if anything else Chet may want to discuss and who may be joining him tomorrow.

Ex. 5 - Deliberative Process

General Statement on their Website on RFS: "AFPM further believes that regulations should not be structured in a manner that would alter the current transportation fuels supply, distribution or infrastructure system." I think changing the RFS point of obligation could be considered such an action.

Ex. 5 - Deliberative Process

Thanks, Paul
Paul Argyropoulos
Senior Policy Advisor
US EPA
Office of Transportation and Air Quality
Phone: 202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Web: www.epa.gov

-----Original Appointment-----

From: Grundler, Christopher

Sent: Wednesday, April 20, 2016 12:16 PM

To: Grundler, Christopher; Bunker, Byron; Charmley, William; Simon, Karl; Machiele, Paul; Burkholder, Dallas; Argyropoulos, Paul

Cc: Iffland, JoNell; Patterson, Susan

Subject: Pre-Brief: Chet Thompson - AFPM

When: Monday, April 25, 2016 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: RM. 6520 DC/RM. C-174 DOD AA

MEETING REQUEST:

Gwen,

We need to set up a pre-brief for Chris to prep him for his April 26th meeting with Chet Thompson (AFPM). He calendar shows he's meeting with Chet at 3 pm that day. Can you set up a time on Monday the 25th?

Invite Ben, Karl, Byron, Paul M. Dallas, and I. We can add more later.

Thanks, Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

To: Grundler, Christopher[grundler.christopher@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Charmley, William[charmley.william@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Iffland, JoNell[Iffland.JoNell@epa.gov]; Patterson, Susan[Patterson.Susan@epa.gov]
From: Argyropoulos, Paul
Sent: Mon 4/25/2016 2:09:34 PM
Subject: RE: Pre-Brief: Chet Thompson - AFPM

Chris and others, I haven't heard anything further from Rich M. at AFPM on topics for tomorrow. His VM last week indicated the primary focus of tomorrow's meeting is POO/POR. Rich said he would let me know today what, if anything else Chet may want to discuss and who may be joining him tomorrow.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

General Statement on their Website on RFS: "AFPM further believes that regulations should not be structured in a manner that would alter the current transportation fuels supply, distribution or infrastructure system." I think changing the RFS point of obligation could be considered such an action.

Ex. 5 - Deliberative Process

Thanks, Paul
Paul Argyropoulos
Senior Policy Advisor
US EPA
Office of Transportation and Air Quality
Phone: 202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Web: www.epa.gov

-----Original Appointment-----

From: Grundler, Christopher
Sent: Wednesday, April 20, 2016 12:16 PM
To: Grundler, Christopher; Bunker, Byron; Charmley, William; Simon, Karl; Machiele, Paul; Burkholder, Dallas; Argyropoulos, Paul
Cc: Iffland, JoNell; Patterson, Susan
Subject: Pre-Brief: Chet Thompson - AFPM
When: Monday, April 25, 2016 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: RM. 6520 DC/RM. C-174 DOD AA

MEETING REQUEST:

Gwen,

We need to set up a pre-brief for Chris to prep him for his April 26th meeting with Chet Thompson (AFPM). He calendar shows he's meeting with Chet at 3 pm that day. Can you set up a time on Monday the 25th?

Invite Ben, Karl, Byron, Paul M. Dallas, and I. We can add more later.

Thanks, Paul

Paul Argyropoulos
Senior Policy Advisor
US EPA
Office of Transportation and Air Quality
Phone: 202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Web: www.epa.gov

From: Argyropoulos, Paul
Location: TBD
Importance: Normal
Subject: Accepted: Meeting with Chevron on Point of Obligation
Start Date/Time: Tue 5/3/2016 6:00:00 PM
End Date/Time: Tue 5/3/2016 7:00:00 PM

From: Argyropoulos, Paul
Location: tbd
Importance: Normal
Subject: Accepted: Tentative: RFS point of obligation briefing for OMB/EOP
Start Date/Time: Thur 4/21/2016 5:00:00 PM
End Date/Time: Thur 4/21/2016 6:00:00 PM

To: Atkinson, Emily[Atkinson.Emily@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Stewart, Lori[Stewart.Lori@epa.gov]
From: Argyropoulos, Paul
Sent: Wed 4/6/2016 2:37:34 PM
Subject: RE: meeting request(s)

Thanks.

I guess we can just offer up some options for later dates. Whatever works for Janet and Chris.

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Atkinson, Emily
Sent: Wednesday, April 06, 2016 10:36 AM
To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Stewart, Lori <Stewart.Lori@epa.gov>
Subject: RE: meeting request(s)

Hi Paul,

It looks like they are asking for a meeting on Thursday, April 21, however, Janet will be on travel that day to Arkansas.

Emily Atkinson
Staff Assistant

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Argyropoulos, Paul
Sent: Wednesday, April 06, 2016 10:34 AM
To: Atkinson, Emily <Atkinson.Emily@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: FW: meeting request(s)

Hi Emily,

Please see the email below requesting a meeting with Janet to discuss RFS Point of Obligation Issues. I checked in with Chris and we suggest Janet accept the meeting request. Chris will want to be involved in the meeting. Also, please include Ben, myself, Byron Bunker, Paul Machiele and the relevant OGC players (David Orlin and whomever David thinks should be included). Janet should decide the timing of the meeting. Please coordinate directly with Mr. Shimberg unless you'd like me to do so.

Thanks, Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Steven Shimberg [<mailto:sjshimberg@sjolutions.biz>]

Sent: Friday, March 25, 2016 11:10 AM

To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>

Subject: meeting request(s)

Hi Paul,

Are you available to meet on April 11, 12 or 13 (Monday, Tuesday or Wednesday) with me, Mimi Braniff of Delta and Chris Ruggerio of Monroe Energy to talk about the RFS definition of obligated party?

Also, can you help me set up a meeting for several merchant refiner CEOs with Janet McCabe and Chris Grundler or give me the name of who I should contact? They will be in town on April 21 and are hoping to meet with Janet, Chris, OMB and the WH.

Thanks much.

Steve

Steven J. Shimberg

SJSolutions pllc

Environmental Law/Policy, Counseling/Advocacy

sjshimberg@sjolutions.biz

202.689.4920

To: Atkinson, Emily[Atkinson.Emily@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Argyropoulos, Paul
Sent: Wed 4/6/2016 2:33:59 PM
Subject: FW: meeting request(s)

Hi Emily,

Please see the email below requesting a meeting with Janet to discuss RFS Point of Obligation Issues. I checked in with Chris and we suggest Janet accept the meeting request. Chris will want to be involved in the meeting. Also, please include Ben, myself, Byron Bunker, Paul Machiele and the relevant OGC players (David Orlin and whomever David thinks should be included). Janet should decide the timing of the meeting. Please coordinate directly with Mr. Shimberg unless you'd like me to do so.

Thanks, Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Steven Shimberg [mailto:sjshimberg@sjolutions.biz]
Sent: Friday, March 25, 2016 11:10 AM
To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: meeting request(s)

Hi Paul,

Are you available to meet on April 11, 12 or 13 (Monday, Tuesday or Wednesday) with me, Mimi Braniff of Delta and Chris Ruggerio of Monroe Energy to talk about the RFS definition of obligated party?

Also, can you help me set up a meeting for several merchant refiner CEOs with Janet McCabe and Chris Grundler or give me the name of who I should contact? They will be in town on April 21 and are hoping to meet with Janet, Chris, OMB and the WH.

Thanks much.

Steve

Steven J. Shimberg

SJSolutions pllc

Environmental Law/Policy, Counseling/Advocacy

sjshimberg@sjolutions.biz

202.689.4920

To: Korotney, David[korotney.david@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Lie, Sharyn[Lie.Sharyn@epa.gov]; Camobreco, Vincent[Camobreco.Vincent@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Argyropoulos, Paul
Sent: Tue 4/5/2016 12:48:03 PM
Subject: RE: Revised responses to the QFRs from Janet's RFS hearing
[QFRs from 2-24-16 EPW RFS Hearing v2 BH - DK - PA.docx](#)

My thoughts in the attached.

Thanks, Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Korotney, David
Sent: Tuesday, April 05, 2016 8:01 AM
To: Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Lie, Sharyn <Lie.Sharyn@epa.gov>; Camobreco, Vincent <Camobreco.Vincent@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Subject: RE: Revised responses to the QFRs from Janet's RFS hearing

A few edits. Dallas will need to add more.

From: Sutton, Tia

Sent: Monday, April 04, 2016 10:53 PM

To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Korotney, David <korotney.david@epa.gov>; Lie, Sharyn <Lie.Sharyn@epa.gov>; Camobreco, Vincent <Camobreco.Vincent@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>

Subject: Revised responses to the QFRs from Janet's RFS hearing

Hi all,

Please see the attached cleaned-up version, which also includes some additional comment bubbles from Ben.

As a reminder, we have been asked to send these to Janet McCabe's office for review by COB on Wednesday.

Some items of note:

Ex. 5 - Attorney Client

- Dallas/Dave- see comment from Ben in the response to #6-9 for additional cites.

Ex. 5 - Attorney Client

From: Hengst, Benjamin

Sent: Monday, April 4, 2016 8:59 PM

To: Sutton, Tia

Cc: Dubois, Roland; Orlin, David; Cohen, Janet

Subject: QFRs (Janet's Feb RFS hearing)

Tia-- See attached. I've made a few decisions on what responses to go with. I've also made a few edits throughout. Can you ask Dallas/Dave to fill out a few of the references? I think we'll need to discuss the gasoline price questions with Paul M and team, too (see my comments).

Ex. 5 - Attorney Client

Janet -- **Ex. 5 - Attorney Client** I got a bit lost in all the back-and-forth on the small refiner questions.

Thanks

Ben

To: Bunker, Byron[bunker.byron@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Le, Madison[Le.Madison@epa.gov]
From: Argyropoulos, Paul
Sent: Wed 3/30/2016 12:14:45 PM
Subject: Re: Heads up -- FW: meeting request(s)

I can reply and say the request is being considered and leave it in your hands for closure.

Ex. 5 - Deliberative Process

Paul Argyropoulos
Senior Policy Advisor
USEPA
Office of Transportation and Air Quality
Office: 202-564-1123
Mobile: 202-577-9354

On Mar 30, 2016, at 8:10 AM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Happy to meet with them and tell them what I think about Obligated Parties and the point of obligation.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Byron

Byron Bunker

Director Compliance Division

Office of Transportation and Air Quality

Environmental Protection Agency

2000 Traverwood Drive

Ann Arbor, MI 48105

Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

From: Argyropoulos, Paul

Sent: Wednesday, March 30, 2016 7:39 AM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron
<bunker.byron@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Simon, Karl
<Simon.Karl@epa.gov>; Charmley, William <charmley.william@epa.gov>; Grundler,
Christopher <grundler.christopher@epa.gov>; Manners, Mary <manners.mary@epa.gov>;
Le, Madison <Le.Madison@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>

Subject: Re: Heads up -- FW: meeting request(s)

Guys. I sent this out last week. I woke up today remembering I never heard back and hence had responded. How do you want this handled? Thanks

Paul Argyropoulos

Senior Policy Advisor

USEPA

Office of Transportation and Air Quality

Office: 202-564-1123

Mobile: 202-577-9354

On Mar 25, 2016, at 11:23 AM, Argyropoulos, Paul <Argyropoulos.Paul@epa.gov> wrote:

Team,

See the below request. Of course I haven't responded. Happy to leave it to Byron to respond or happy to respond saying I'd coordinate with our team in OTAQ about any possibility for a meeting based on their requested dates.

WRT a meeting with Chris and Janet, we can work that a number of ways. Let me know if / how you'd like me to proceed on that.

Thanks, Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Steven Shimberg [<mailto:sjshimberg@sjolutions.biz>]
Sent: Friday, March 25, 2016 11:10 AM
To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: meeting request(s)

Hi Paul,

Are you available to meet on April 11, 12 or 13 (Monday, Tuesday or Wednesday) with me, Mimi Braniff of Delta and Chris Ruggerio of Monroe Energy to talk about the RFS definition of obligated party?

Also, can you help me set up a meeting for several merchant refiner CEOs with Janet McCabe and Chris Grundler or give me the name of who I should contact? They will be in town on April 21 and are hoping to meet with Janet, Chris, OMB and the WH.

Thanks much.

Steve

Steven J. Shimberg

SJSolutions plc

Environmental Law/Policy, Counseling/Advocacy

sjshimberg@sjolutions.biz

202.689.4920

To: Machiele, Paul[machiele.paul@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Korotney, David[korotney.david@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: MacAllister, Julia[MacAllister.Julia@epa.gov]
From: Argyropoulos, Paul
Sent: Mon 3/21/2016 4:57:35 PM
Subject: RE: Confirmed Meeting with BP on RIN Market, POO, Biogas

NOTE: I will only be in the BP meeting for the first hour.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Paul Argyropoulos
Senior Policy Advisor
US EPA
Office of Transportation and Air Quality
Phone: 202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Web: www.epa.gov

-----Original Appointment-----

From: Machiele, Paul
Sent: Thursday, March 03, 2016 11:24 AM
To: Machiele, Paul; Burkholder, Dallas; Korotney, David; Argyropoulos, Paul; Hengst, Benjamin
Cc: MacAllister, Julia
Subject: Confirmed Meeting with BP on RIN Market, POO, Biogas
When: Tuesday, March 22, 2016 1:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: N158 in AA, 6524 in DC. AA to call DC, Also callin

Ex. 6 - Personal Privacy

code

Ex. 6 - Personal Privacy

Topic - RIN Market, biogas, point of obligation - will have more details for you later

I believe BP last met with you all on the RFS, RINs, E85, etc when Bob Leidich was still at BP - this was around 2012-13. I arranged meetings with EPA folks regarding the invalid RINs cases and the QAP rule but other than this, it has been awhile. BP has had some changes since then and we would like to share our thoughts on the RFS and our experiences in the RIN market. Two who will attend are from BP Integrated Supply and Trading (IST) - the part of the business that engages in RIN trading on behalf of the Fuels North America obligated party. IST also trades on behalf of FNA for CA LCFS compliance. Hope this helps.

To: MacAllister, Julia[MacAllister.Julia@epa.gov]
From: Argyropoulos, Paul
Sent: Tue 3/15/2016 5:11:15 PM
Subject: RE: BP Meeting Request

Thanks Julia. I saw it. I think we are covered here.

Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: MacAllister, Julia
Sent: Tuesday, March 15, 2016 12:33 PM
To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: FW: BP Meeting Request

Did you see this request from Ms. Raburn via Paul Machiele and is everything possible on your end. We are OK here

Julia Brady MacAllister

Technical Support Specialist

Senior Service America (SSA)

An affiliate with the US EPA

macallister.julia@epa.gov

From: Machiele, Paul
Sent: 15 March, 2016 12:00 PM
To: MacAllister, Julia <MacAllister.Julia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Fwd: BP Meeting Request

Julia, can you see if we can have N158 for a bit longer per the request below.

Would also need it in DC

Sent from my iPhone

Begin forwarded message:

From: "Raburn, Janice" <Janice.Raburn@bp.com>
Date: March 15, 2016 at 8:48:28 AM PDT
To: "Machiele, Paul" <machiele.paul@epa.gov>
Cc: "Burkholder, Dallas" <burkholder.dallas@epa.gov>, "Argyropoulos, Paul" <Argyropoulos.Paul@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Subject: RE: BP Meeting Request

Paul,

These are topics we would like to discuss with you next week. Would it be possible to extend the time by 15-30 minutes? Also, the proponents for moving the point of obligation have raised a number of issues/arguments. For efficiency, are there any of those arguments in particular that you would be interested in hearing BP's perspective on?

1. Cellulosic RIN market

2. BP trading training proposal
3. RFS Point of Obligation

BP Attendees:

Attend in EPA DC office: Janice Raburn, Manager Fuels Regulatory Advocacy

Attend in Ann Arbor office:

- ☐ ☐ ☐ ☐ ☐ ☐ Stephanie Curulewski, Partnerships and Trading Manager, Integrated Supply & Trading (IST) - Global Oil America
- ☐ ☐ ☐ ☐ ☐ ☐ Vincent Johnson, Head of Policy and Regulatory Affairs, IST - Global Oil America
- ☐ ☐ ☐ ☐ ☐ ☐ Tom Miller, Commercial Development, Products, Fuels North America
- ☐ ☐ ☐ ☐ ☐ ☐ Mark Bunch, Regulatory Issues Strategist, Fuels North America

By phone: Mike Brien, Senior Director, Regulatory Affairs

Best regards,

Janice

Janice K. Raburn
Manager, Fuels Regulatory Advocacy
BP Products North America Inc.
1101 New York Ave NW, Suite 700
Washington, DC 20005
Office 202-346-8516
Fax 202-457-6597
Mobile: 202-210-8540
janice.raburn@bp.com

From: Machiele, Paul [<mailto:machiele.paul@epa.gov>]
Sent: Tuesday, March 08, 2016 10:19 PM
To: Raburn, Janice
Cc: Burkholder, Dallas; Argyropoulos, Paul; Hengst, Benjamin
Subject: Re: BP Meeting Request

No problem. We should have video on both ends.

Sent from my iPhone

On Mar 8, 2016, at 10:36 AM, Raburn, Janice <Janice.Raburn@bp.com> wrote:

Paul,

Would it be possible for me to attend our March 22 meeting at EPA's DC office with the DC folks who are participating? I am hoping they will join via EPA's video conferencing. This would allow me to be at another local meeting that day and save on travel. Still expect four from Chicago to travel to Ann Arbor.

Thanks,

Janice

From: Raburn, Janice
Sent: Thursday, March 03, 2016 12:24 PM
To: 'Machiele, Paul'
Cc: Burkholder, Dallas
Subject: RE: BP Meeting Request

Paul,

That will work very well. There will probably be four of us in person; and two would like to call in.

I will confirm the names of attendees later. Thank you for arranging this.

Best,

Janice

From: Machiele, Paul [<mailto:machiele.paul@epa.gov>]
Sent: Thursday, March 03, 2016 11:26 AM
To: Raburn, Janice
Cc: Burkholder, Dallas
Subject: RE: BP Meeting Request

Janice,

I went ahead and booked us for the noon hour- from 12-1pm EST on Tuesday March 22 so that a couple staff from D.C. can tie in as well.

Paul

From: Raburn, Janice [<mailto:Janice.Raburn@bp.com>]
Sent: Wednesday, March 02, 2016 11:09 AM
To: Machiele, Paul <machiele.paul@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: RE: BP Meeting Request

Sounds good.

From: Machiele, Paul [<mailto:machiele.paul@epa.gov>]
Sent: Wednesday, March 02, 2016 11:08 AM
To: Raburn, Janice
Cc: Burkholder, Dallas
Subject: RE: BP Meeting Request

Thanks,

I've blocked time here on the 22nd, but am waiting until tomorrow to see whether the conflict is on Dallas' calendar can be moved. Otherwise we'll fit it on the 23rd.

Paul

From: Raburn, Janice [<mailto:Janice.Raburn@bp.com>]
Sent: Wednesday, March 02, 2016 10:55 AM
To: Machiele, Paul <machiele.paul@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: RE: BP Meeting Request

Paul,

I expect that the time block I suggested could be expanded if that helps on your end – e.g., 10:30 – 3:00.

I did day trips to Ann Arbor when I worked at EPA and was able to arrive fairly early – just having to reacquaint myself with the logistics and timing for traveling there and looking at flights from DC and Chicago.

Janice

From: Raburn, Janice
Sent: Tuesday, March 01, 2016 4:23 PM
To: 'Machiele, Paul'
Cc: Burkholder, Dallas
Subject: RE: BP Meeting Request

I should have been more clear – we would look for one hour out of the 2.5 hour block.

We would prefer mid-day, so we can make this a day trip – most are coming from Chicago, me from DC.

Topic – RIN Market, biogas, point of obligation – will have more details for you later

I believe BP last met with you all on the RFS, RINs, E85, etc when Bob Leidich was still at BP – this was around 2012-13. I arranged meetings with EPA folks regarding the invalid RINs cases and the QAP rule but other than this, it has been awhile. BP has had some changes since then and we would like to share our thoughts on the RFS and our experiences in the RIN market. Two who will attend are from BP Integrated Supply and Trading (IST) – the part of the business that engages in RIN trading on behalf of the Fuels North America obligated party. IST also trades on behalf of FNA for CA LCFS compliance.

Hope this helps.

Janice

From: Machiele, Paul [<mailto:machiele.paul@epa.gov>]
Sent: Tuesday, March 01, 2016 4:07 PM
To: Raburn, Janice
Cc: Burkholder, Dallas
Subject: RE: BP Meeting Request

My schedule is better for the 22nd, Dallas' appears better for the 23rd. I'll check with

him tomorrow and get back with you. I'm assuming you didn't really need the entire 2.5 hour time block though, but were looking for an hour or so during that time block. Let me know if you were really thinking you would need the entire 2.5 hours.

If you could give me a little better idea for the topic I would appreciate it too so that I can assess whether any others from our office should be included.

Thanks,

Paul

From: Raburn, Janice [<mailto:Janice.Raburn@bp.com>]
Sent: Tuesday, March 01, 2016 3:35 PM
To: Machiele, Paul <machiele.paul@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: RE: BP Meeting Request

Paul,

Would either of these dates work?

Tuesday March 22 or Wednesday March 23, 11:30 – 2 pm

Thanks,

Janice

From: Machiele, Paul [<mailto:machiele.paul@epa.gov>]
Sent: Tuesday, March 01, 2016 8:33 AM
To: Raburn, Janice
Cc: Burkholder, Dallas
Subject: RE: BP Meeting Request

Janice,

Sorry, but I was also out much of last week. We should be able to meet with you sometime in March. The current open times on my calendar over the next couple weeks are fairly limited:

March 9: 9-12

March 10: 11-2

March 17: 2-3

March 18: 9-11, 12-5

However, the week of March 21 is fairly open. If that works best for you, suggest some options for me to check

Paul Machiele

From: Raburn, Janice [<mailto:Janice.Raburn@bp.com>]
Sent: Friday, February 26, 2016 10:19 AM
To: Machiele, Paul <machiele.paul@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: FW: BP Meeting Request

Paul,

I sent the request below to Dallas, and received a message that he is out until March 3. I am forwarding this to you as a heads-up of my request. BP is interested in meeting with you and Dallas to discuss BP's experience within and perspective on the RIN market and other RFS issues. I will follow up with you and Dallas with several suggested meeting dates.

Best regards,

Janice

Janice K. Raburn
Manager, Fuels Regulatory Advocacy

Global Fuels Technology
BP Products North America Inc.
1101 New York Ave NW, Suite 700
Washington, DC 20005
Office 202-346-8516
Mobile: 202-210-8540
janice.raburn@bp.com

From: Raburn, Janice
Sent: Thursday, February 25, 2016 1:45 PM
To: burkholder.dallas@epa.gov
Subject: BP Meeting Request

Hello Dallas,

I believe you met my colleagues Vincent Johnson and Stephanie Curulewski in California last December.

As I think they mentioned, BP is interested in meeting with you, Paul Machiele, and

others in your group to discuss BP's experience within and perspective on the RIN market and other RFS issues.

Would you be available in March for a meeting? Likely BP attendance would include me, Vincent, Stephanie, and 2-3 others from our fuels business and external affairs – so a total of 5-6 folks.

We would be happy to meet with you in Ann Arbor.

Please let me know your availability.

Best regards,

Janice

Janice K. Raburn

Manager, Fuels Regulatory Advocacy

BP Products North America Inc.

1101 New York Ave NW, Suite 700

Washington, DC 20005

Office 202-346-8516

Fax 202-457-6597

Mobile: 202-210-8540

janice.raburn@bp.com

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Machiele, Paul[machiele.paul@epa.gov]
From: Argyropoulos, Paul
Sent: Tue 3/1/2016 9:34:07 PM
Subject: Re: BP Meeting Request

Yeah, please add me to the invite list as well. I'll attend as much as I can.

Paul Argyropoulos
Senior Policy Advisor
USEPA
Office of Transportation and Air Quality
Office: 202-564-1123
Mobile: 202-577-9354

On Mar 1, 2016, at 4:32 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

I'm happy to listen in -- I find it useful. Pls add me to invite and if I can make it I will join, if that works for you.

On Mar 1, 2016, at 4:27 PM, Machiele, Paul <machiele.paul@epa.gov> wrote:

So shall I just take this meeting along with Dallas, or would either of you also like to attend – or should I invite anyone else? If I'm tying others in it will likely just be by conf call.

Paul

From: Raburn, Janice [<mailto:Janice.Raburn@bp.com>]
Sent: Tuesday, March 01, 2016 4:23 PM
To: Machiele, Paul <machiele.paul@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: RE: BP Meeting Request

I should have been more clear – we would look for one hour out of the 2.5 hour block.

We would prefer mid-day, so we can make this a day trip – most are coming from Chicago, me from DC.

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Hope this helps.

Janice

From: Machiele, Paul [<mailto:machiele.paul@epa.gov>]
Sent: Tuesday, March 01, 2016 4:07 PM
To: Raburn, Janice
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Subject: RE: BP Meeting Request

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If you could give me a little better idea for the topic I would appreciate it too so that I can assess whether any others from our office should be included.

Thanks,

Paul

From: Raburn, Janice [<mailto:Janice.Raburn@bp.com>]
Sent: Tuesday, March 01, 2016 3:35 PM
To: Machiele, Paul <machiele.paul@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: RE: BP Meeting Request

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Sent: Tuesday, March 01, 2016 8:33 AM
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March 10: 11-2

March 17: 2-3

March 18: 9-11, 12-5

However, the week of March 21 is fairly open. If that works best for you, suggest some options for me to check

Paul Machiele

From: Raburn, Janice [<mailto:Janice.Raburn@bp.com>]
Sent: Friday, February 26, 2016 10:19 AM
To: Machiele, Paul <machiele.paul@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: FW: BP Meeting Request

Paul,

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Best regards,

Janice

Janice K. Raburn

Manager, Fuels Regulatory Advocacy

Global Fuels Technology
BP Products North America Inc.
1101 New York Ave NW, Suite 700
Washington, DC 20005
Office 202-346-8516
Mobile: 202-210-8540
janice.raburn@bp.com

From: Raburn, Janice
Sent: Thursday, February 25, 2016 1:45 PM
To: burkholder.dallas@epa.gov
Subject: BP Meeting Request

Hello Dallas,

I believe you met my colleagues Vincent Johnson and Stephanie Curulewski in California last December.

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Would you be available in March for a meeting? Likely BP attendance would include me, Vincent, Stephanie, and 2-3 others from our fuels business and external affairs – so a total of 5-6 folks.

We would be happy to meet with you in Ann Arbor.

Please let me know your availability.

Best regards,

Janice

Janice K. Raburn

Manager, Fuels Regulatory Advocacy

BP Products North America Inc.

1101 New York Ave NW, Suite 700

Washington, DC 20005

Office 202-346-8516

Fax 202-457-6597

Mobile: 202-210-8540

janice.raburn@bp.com

To: Le, Madison[Le.Madison@epa.gov]
From: Argyropoulos, Paul
Sent: Thur 2/25/2016 5:16:13 PM
Subject: RE: BIOFUELS UPDATE: ***Ex-White House Official Says Changing Obligation Would Fix RFS

Ex. 6 - Personal Privacy

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Le, Madison

Sent: Thursday, February 25, 2016 12:04 PM

To: Bunker, Byron <bunker.byron@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Weihrach, John <Weihrach.John@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Herzog, Jeff <Herzog.Jeff@epa.gov>

Subject: FW: BIOFUELS UPDATE: ***Ex-White House Official Says Changing Obligation Would Fix RFS

FYI

From: Kodish, Jeff

Sent: Wednesday, February 24, 2016 7:01 PM

To: Le, Madison <Le.Madison@epa.gov>

Subject: Fwd: BIOFUELS UPDATE: ***Ex-White House Official Says Changing Obligation Would Fix RFS

FYI - in case you have not already seen this.

Sent from my iPhone

Enforcement Confidential: Attorney Work Product and / or Attorney Client Communications

Begin forwarded message:

From: "Thompson, Christopher" <Thompson.Christopher@epa.gov>
Date: February 24, 2016 at 4:53:32 PM MST
To: "Connell, John" <Connell.John@epa.gov>, "Firestine, Natalie" <firestine.natalie@epa.gov>, "Katz, Melissa" <Katz.Melissa@epa.gov>, "Kimes, Jeffrey" <Kimes.Jeffrey@epa.gov>, "Kodish, Jeff" <Kodish.Jeff@epa.gov>, "Kryman, Matthew" <Kryman.Matthew@epa.gov>, "Miller, Anthony" <Miller.Anthony@epa.gov>, "Rivers, Tahani" <Rivers.Tahani@epa.gov>, "Sorrell, Virginia" <Sorrell.Virginia@epa.gov>, "Vicchy, Wendy" <Vicchy.Wendy@epa.gov>
Subject: FW: BIOFUELS UPDATE: ***Ex-White House Official Says Changing Obligation Would Fix RFS

-----Original Message-----

From: opisethanol@opisnet.com [<mailto:opisethanol@opisnet.com>]
Sent: Wednesday, February 24, 2016 1:49 PM
To: OPIS Ethanol Updates <opisethanol@announce.opisnet.com>
Subject: BIOFUELS UPDATE: ***Ex-White House Official Says Changing Obligation Would Fix RFS

2016-02-24 03:48:54 EST

***Ex-White House Official Says Changing Obligation Would Fix RFS

A former Obama administration official on Wednesday told a Senate committee that the Renewable Fuel Standard "is flawed and is not achieving its goals," adding that the implementation program the Environmental Protection Agency developed in 2005 and 2010 "does not reflect the evolution of the U.S. crude oil and fuel markets since that time."

Testifying before the Senate Environment and Public Works Committee, Ronald Minsk, an energy consultant who served as special assistant to the president for energy and the environment from 2013 to 2015, said, however, that "there are opportunities within the

statute, or by making modest changes to the statute, which could substantially improve the operation of the program and help it to better achieve its goals of getting more renewable fuel in the United States' fuel supply in the most efficient manner possible."

Minsk, who worked on the White House's National Economic Council, took part in the interagency review process for EPA's RFS program.

Chief among his recommended fixes was a call for EPA to make changes to the point of obligation under the RFS. "Based on my review of the data and my experience and knowledge gleaned from meeting with a wide and diverse range of stakeholder groups, it is apparent to me that the current [Renewable Identification Number] RIN market dictates EPA revisiting the RFS's point of obligation."

Minsk told the panel that the current point of obligation -- focused on refiners and importers of gasoline -- "is a significant factor inhibiting greater amounts of E85, and perhaps biodiesel, from reaching the market due primarily to a lack of properly aligned incentives and the resulting shortfall in blending infrastructure expansion."

The current system, Minsk explained, results in a portion of obligated parties -
- refiners with large marketing operations -- being almost immediately long on RINs at the start of each compliance period because when they market more fuel than they refine, they generate more RINs through blending than they need for their own compliance obligations.

He said that having several large obligation parties long on RINs has "important implications for the RFS program. Blending high concentrations of ethanol at wholesale distribution facilities at scale often requires modifications to infrastructure. "At many distribution facilities, however, obligated parties long on RINs are the largest customers and are in a position to effectively block installation of infrastructure to promote large-scale E85 blending. Once the RIN-long party has met its own RVO, it has little incentive to participate financially in the expansion of blending infrastructure to allow for higher-level blends or additional advanced renewable fuels because they already have the RINs they need and do not want additional blending to lower the value of their excess RINs."

"Ironically, the current structure, which puts the point of obligation on refiners instead of where the actual compliance is achieved at the point of blending, provides the least incentive to those who are best situated to undertake the blending that the RFS seeks to motivate and imposes the greatest obligation on the parties who are most poorly situated to increasing the volumes of renewable fuel that is blended into the fuel supply."

"Whether RIN-long refiners sell these RINs or bank them, these parties are not incentivized to invest significantly in biodiesel, advanced fuels, or E85 infrastructure that would enable more renewable fuel to reach the market. ...

They are so competitively advantaged that they do not have to discount fuels to incentivize higher-level blends and thus protect their RIN windfall," Minsk said, adding that the current system gives these parties an incentive to "forestall more renewable fuel from entering the

market, thus protecting hydrocarbon volumes being sold and keeping the RIN price as high as possible."

"Ironically, we need not wreak havoc to realign the incentives in the market. We need only place the obligation where it will evenly apply the burden and let the market work. If EPA moves the point of obligation to the owner of the hydrocarbon fuel just before blending, it will assure that every person controlling the blending will be fully incentivized to maximize the blending of renewable fuels into the fuel supply because they will need RINs in proportion to the fuel they blend and not in proportion to the fuel that they produce."

While some have argued that shifting the point of obligation to the terminal rack would involve too many parties and be difficult to administer, Minsk cited data independent refiner Valero sent EPA last year that suggested that there would be about 107 parties that post prices at fuel terminals who would be obligated if the point of obligation were moved to the rack.

This analysis, he said, does not include parties that blend fuel at a terminal but do not sell to the public or post a price. "However, it seems unlikely that the number of parties that blend fuel at a terminal but do not sell to the public or post a price would be so large as to represent a meaningful departure from the number of currently obligated parties."

In addition, Minsk said that according to Valero's analysis, "nearly all of the 107 obligated parties are already registered with EPA under the RFS, because they are either refiners or importers as well as blenders."

"Although we may not know today exactly how many obligated parties there would be if the point of obligation was moved, it is clear from the available analyses that the number would be manageable and in keeping with the reach of other EPA programs."

"Rather than incentivizing major obligated parties to hoard RINs and withhold from infrastructure investments, obligated parties would not be able to compete on an even playing field as the RFS drafters envisioned. With all of the major parties competing for E85 market share, retail E85 prices have the best opportunity to be competitive with E10 and gain penetration into the market.

Ultimately, this represents the best chance for policymakers to get past the difficult problems presented by the blend wall and to achieve the fundamental goal of the program -- getting more renewable fuel into the market."

--Jeff Barber, jbarber@opisnet.com

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To: Herzog, Jeff[Herzog.Jeff@epa.gov]; Le, Madison[Le.Madison@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Weihrauch, John[Weihrauch.John@epa.gov]
Cc: Reid, Lauren[Reid.Lauren@epa.gov]
From: Argyropoulos, Paul
Sent: Tue 2/9/2016 1:44:45 PM
Subject: RE: Point of Obligation Briefing

Thanks. Please clarify / describe sequential blending then so it's understood what that is in the briefing. Splash and sequential blending may not be understood.

Paul Argyropoulos

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From: Herzog, Jeff
Sent: Tuesday, February 09, 2016 8:41 AM
To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>
Cc: Reid, Lauren <Reid.Lauren@epa.gov>
Subject: RE: Point of Obligation Briefing

Wrt to Paul's question re blending at bulk plants:

No bulk plants have blending injection equipment. The expense of such equipment limits its use to terminals. To the extent that blending is still occurring at bulk plants it is being accomplished by sequential loading of tank truck (splash blending)

From: Argyropoulos, Paul
Sent: Tuesday, February 09, 2016 7:06 AM
To: Le, Madison <Le.Madison@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>
Cc: Herzog, Jeff <Herzog.Jeff@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>
Subject: RE: Point of Obligation Briefing

Thanks. Looks good. A few points/questions / comments in the attached (in comment bubbles).

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Email: argyropoulos.paul@epa.gov

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From: Le, Madison
Sent: Monday, February 08, 2016 5:20 PM
To: Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>
Cc: Herzog, Jeff <Herzog.Jeff@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>
Subject: FW: Point of Obligation Briefing

Adding Byron and John.

From: Burkholder, Dallas

Sent: Monday, February 08, 2016 4:37 PM

To: Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul
<Argyropoulos.Paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Le, Madison <Le.Madison@epa.gov>; Herzog, Jeff <Herzog.Jeff@epa.gov>; Reid, Lauren
<Reid.Lauren@epa.gov>

Subject: Point of Obligation Briefing

Attached is a draft of a briefing for Chris on the point of obligation issue. Many thanks to Madison, Jeff, and Lauren for helping to pull this together. If you all can take a quick look and send initial comments back by the end of the day on Wednesday that would be greatly appreciated. The plan would then be to send materials around to a broader group for comment with an offer to brief any of the division directors who are interested before we brief Chris. Ideally we would like to brief Chris in the latter half of next week. I'm out of the office February 22-March 2, so if we can't get on the calendar then we would target early March.

Dallas Burkholder

Office of Transportation & Air Quality

US Environmental Protection Agency

(734)214-4766

Burkholder.Dallas@epa.gov

To: Le, Madison[Le.Madison@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Weihrauch, John[Weihrauch.John@epa.gov]
Cc: Herzog, Jeff[Herzog.Jeff@epa.gov]; Reid, Lauren[Reid.Lauren@epa.gov]
From: Argyropoulos, Paul
Sent: Tue 2/9/2016 12:06:07 PM
Subject: RE: Point of Obligation Briefing
Point of Obligation Briefingv3-PA.pptx

Thanks. Looks good. A few points/questions / comments in the attached (in comment bubbles).

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US EPA

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Web: www.epa.gov

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Sent: Monday, February 08, 2016 5:20 PM
To: Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>
Cc: Herzog, Jeff <Herzog.Jeff@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>
Subject: FW: Point of Obligation Briefing

Adding Byron and John.

From: Burkholder, Dallas

Sent: Monday, February 08, 2016 4:37 PM

To: Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul
<Argyropoulos.Paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Le, Madison <Le.Madison@epa.gov>; Herzog, Jeff <Herzog.Jeff@epa.gov>; Reid, Lauren
<Reid.Lauren@epa.gov>

Subject: Point of Obligation Briefing

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To: Audette, Lucie[audette.lucie@epa.gov]; Benjamin Hengst[Hengst.Benjamin@epa.gov]; Byron Bunker[Bunker.Byron@epa.gov]; Christopher Grundler[Grundler.Christopher@epa.gov]; Dallas Burkholder[Burkholder.Dallas@epa.gov]; David Korotney[Korotney.David@epa.gov]; Iffland, JoNell[Iffland.JoNell@epa.gov]; John Weihrauch[Weihrauch.John@epa.gov]; Karl Simon[Simon.Karl@epa.gov]; Le, Madison[Le.Madison@epa.gov]; Mary Manners[Manners.Mary@epa.gov]; Michael Shelby[Shelby.Michael@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Patricia Shaffer[Shaffer.Patricia@epa.gov]; Paul Machiele[Machiele.Paul@epa.gov]; Robert Larson[Larson.Robert@epa.gov]; Roland Dubois[Dubois.Roland@epa.gov]; Sharyn Lie[Lie.Sharyn@epa.gov]; Vincent Camobreco[Camobreco.Vincent@epa.gov]; William Charmley[Charmley.William@epa.gov]
From: Argyropoulos, Paul
Sent: Wed 1/20/2016 1:41:44 PM
Subject: Updated Agenda for Tomorrows Fuels Issues Meeting

Reminder: please send along any final materials that will be used for our discussions by 4pm today.

Thanks, Paul

Agenda

1. First Look at 2017/2018 Volumes and RIN Data Trends
2. AltEn – Waste Seed Decision
3. Update: Registration of Grandfathered Volume Facilities
4. Verbal
 - a. Update / Next Steps - Tier 3 Final IG Report
 - b. Point of Obligation – Meeting With Valero
 - c. Other

Paul Argyropoulos

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To: Bunker, Byron[bunker.byron@epa.gov]
From: Argyropoulos, Paul
Sent: Wed 1/20/2016 1:28:35 PM
Subject: RE: Draft Agenda for Tomorrows Fuels Issue Meeting

I'll add it. Will there be any materials.

Paul Argyropoulos

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From: Bunker, Byron

Sent: Wednesday, January 20, 2016 8:00 AM

To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Audette, Lucie <audette.lucie@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Korotncy, David <korotncy.david@epa.gov>; Iffland, JoNell <Iffland.JoNell@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Shelby, Michael <Shelby.Michael@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Shaffer, Patricia <Shaffer.Patricia@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Larson, Robert <larson.robert@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Lie, Sharyn <Lie.Sharyn@epa.gov>; Camobreco, Vincent <Camobreco.Vincent@epa.gov>; Charmley, William <charmley.william@epa.gov>

Subject: RE: Draft Agenda for Tomorrows Fuels Issue Meeting

Thanks Paul.

Ex. 5 - Deliberative Process

Thanks,

Byron

Byron Bunker

Director Compliance Division

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From: Argyropoulos, Paul

Sent: Wednesday, January 20, 2016 7:40 AM

To: Audette, Lucie; Hengst, Benjamin; Bunker, Byron; Grundler, Christopher; Burkholder, Dallas; Korotney, David; Iffland, JoNell; Weihrauch, John; Simon, Karl; Le, Madison; Manners, Mary; Shelby, Michael; Orlin, David; Shaffer, Patricia; Machiele, Paul; Larson, Robert; Dubois, Roland; Lie, Sharyn; Camobreco, Vincent; Charmley, William

Subject: Draft Agenda for Tomorrows Fuels Issue Meeting

Team,

A few items for the Agenda for tomorrow's meeting. Please let me know if there are any additions, deletions or re-characterizations. Also, please send along any final materials that will be used for our discussions by 4pm today.

Thanks, Paul

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3. Verbal
 - a. Update / Next Steps - Tier 3 Final IG Report
 - b. RIN Data Trends – 2017
 - c. Point of Obligation – Meeting With Valero
 - d. Other

Paul Argyropoulos

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Web: www.epa.gov

To: Le, Madison[Le.Madison@epa.gov]
Cc: Burkholder, Dallas[burkholder.dallas@epa.gov]; Shell, Michael[Shell.Michael@epa.gov]; Korotney, David[korotney.david@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]
From: Argyropoulos, Paul
Sent: Wed 1/20/2016 1:27:53 PM
Subject: RE: Draft Agenda for Tomorrows Fuels Issue Meeting

Will do.

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From: Le, Madison
Sent: Wednesday, January 20, 2016 8:13 AM
To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>; Shell, Michael <Shell.Michael@epa.gov>; Korotney, David <korotney.david@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>
Subject: RE: Draft Agenda for Tomorrows Fuels Issue Meeting

Hi Paul,

The RIN data trend has been incorporated into David's briefing slides for the first look at 2017/2018. Dallas will be covering those slide during the meeting. Can you adjust the agenda to reflect that?

Thanks,

Madison

From: Argyropoulos, Paul

Sent: Wednesday, January 20, 2016 7:40 AM

To: Audette, Lucie <audette.lucie@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Korotney, David <korotney.david@epa.gov>; Iffland, JoNell <Iffland.JoNell@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Shelby, Michael <Shelby.Michael@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Shaffer, Patricia <Shaffer.Patricia@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Larson, Robert <larson.robert@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Lie, Sharyn <Lie.Sharyn@epa.gov>; Camobreco, Vincent <Camobreco.Vincent@epa.gov>; Charmley, William <charmley.william@epa.gov>

Subject: Draft Agenda for Tomorrows Fuels Issue Meeting

Team,

A few items for the Agenda for tomorrow's meeting. Please let me know if there are any additions, deletions or re-characterizations. Also, please send along any final materials that will be used for our discussions by 4pm today.

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 - d. Other

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To: Audette, Lucie[audette.lucie@epa.gov]; Benjamin Hengst[Hengst.Benjamin@epa.gov]; Byron Bunker[Bunker.Byron@epa.gov]; Christopher Grundler[Grundler.Christopher@epa.gov]; Dallas Burkholder[Burkholder.Dallas@epa.gov]; David Korotney[Korotney.David@epa.gov]; Iffland, JoNell[Iffland.JoNell@epa.gov]; John Weihrauch[Weihrauch.John@epa.gov]; Karl Simon[Simon.Karl@epa.gov]; Le, Madison[Le.Madison@epa.gov]; Mary Manners[Manners.Mary@epa.gov]; Michael Shelby[Shelby.Michael@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Patricia Shaffer[Shaffer.Patricia@epa.gov]; Paul Machiele[Machiele.Paul@epa.gov]; Robert Larson[Larson.Robert@epa.gov]; Roland Dubois[Dubois.Roland@epa.gov]; Sharyn Lie[Lie.Sharyn@epa.gov]; Vincent Camobreco[Camobreco.Vincent@epa.gov]; William Charmley[Charmley.William@epa.gov]
From: Argyropoulos, Paul
Sent: Wed 1/20/2016 12:39:33 PM
Subject: Draft Agenda for Tomorrows Fuels Issue Meeting

Team,

A few items for the Agenda for tomorrow's meeting. Please let me know if there are any additions, deletions or re-characterizations. Also, please send along any final materials that will be used for our discussions by 4pm today.

Thanks, Paul

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To: Sutton, Tia[sutton.tia@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Argyropoulos, Paul
Sent: Tue 12/1/2015 7:44:53 PM
Subject: RE: Follow-ups with OMB

Thanks. Love to hear more later.

Can't wait to have a chat with OMB on POO.....next year.

Paul Argyropoulos

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From: Sutton, Tia
Sent: Tuesday, December 01, 2015 2:31 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul
<Argyropoulos.Paul@epa.gov>
Subject: Follow-ups with OMB

Just had a little chat with our buddy Chad on a few follow-ups on the RFS front...

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Korotney, David[korotney.david@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Le, Madison[Le.Madison@epa.gov]
From: Argyropoulos, Paul
Sent: Thur 11/19/2015 5:45:59 PM
Subject: AFPM - 12866 Meeting

Not much of interest to say

- E0 much larger volumes than E85 (not sure what figure they used but on the order of several levels of magnitude more?)
- Complete RVO but Point of obligation should shift to gas stations
- RFS should not be based on production, but on consumption
- Carry over RINs key to market liquidity
- 9.7% should be max for ethanol

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US EPA

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To: Machiele, Paul[machiele.paul@epa.gov]; Korotney, David[korotney.david@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Le, Madison[Le.Madison@epa.gov]
From: Argyropoulos, Paul
Sent: Thur 11/19/2015 2:39:27 PM
Subject: Some notes from NATSO 12866 meeting

- Supports our proposal
- Good public policy if we keep approach
- Don't apply change in point of obligation
- Could use economic harm authority, understand why we may not want to
- Other gov't policies could affect RFS – changing BBD blenders credit to producers credit ---- believe this would not be good policy outcome – limit imported gallons – also impacts blendwall and overall program
- One person said they are at about 50% of their system capabilities in relation to the BBD blendwall
- They put biodiesel in diesel, because it's cheaper, because the RIN provides the value for them to do so

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To: Machiele, Paul[machiele.paul@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Korotney, David[korotney.david@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]; Orlin, David[Orlin.David@epa.gov]
Cc: Audette, Lucie[audette.lucie@epa.gov]; Reid, Lauren[Reid.Lauren@epa.gov]
From: Argyropoulos, Paul
Sent: Tue 10/13/2015 12:44:29 PM
Subject: RE: Compiled 2014/2015/2015 preamble
2014-2015-2016 preamble for OD and DD review 10-8-15 BH -PA.docx

Some comments on Section I only on top of Bens.

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From: Machiele, Paul
Sent: Tuesday, October 13, 2015 8:22 AM
To: Burkholder, Dallas; Korotney, David; Argyropoulos, Paul; Hengst, Benjamin; Simon, Karl; Dubois, Roland; Orlin, David
Cc: Audette, Lucie; Reid, Lauren
Subject: RE: Compiled 2014/2015/2015 preamble

Dallas,

Here's a bunch of edits from me. As well as several comments that need to be dealt with.

Paul

From: Burkholder, Dallas
Sent: Thursday, October 08, 2015 5:28 PM
To: Korotney, David; Machiele, Paul; Argyropoulos, Paul; Hengst, Benjamin; Simon, Karl; Dubois, Roland; Orlin, David
Cc: Audette, Lucie; Reid, Lauren
Subject: RE: Compiled 2014/2015/2015 preamble

Attached for review is the newly re-organized Section II.E-G. As Dave mentioned, this is not necessarily a polished version (there are still a few place holders for numbers, graphics, and citations, and probably more than a little clunky text) but we have done what we can and wanted to get this into your hands for review as quickly as possible. As I understand it our goal is to get this reviewed, changes made, and into Janet's hands by late next week, so the sooner you can send comments our way the better. Thanks

Dallas

From: Korotney, David
Sent: Thursday, October 08, 2015 3:30 PM
To: Machiele, Paul; Argyropoulos, Paul; Hengst, Benjamin; Simon, Karl; Dubois, Roland; Orlin, David
Cc: Burkholder, Dallas; Audette, Lucie; Reid, Lauren
Subject: Compiled 2014/2015/2015 preamble

Attached is the newest version of the compiled preamble, minus Section II.E - II.F on 2016 advanced and total, and minus the corresponding discussion in the Executive Summary. The clean version can be forwarded to Chris if you like.

Dallas intends to send out Section II.E - II.F by about 4:30 today. It will be complete in the sense of containing draft text for every subsection, but I expect it will take lots more effort to get it in shape.

To: Li, Ryland (Shengzhi)[Li.Ryland@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
From: Bell, Lisa (ENRD)
Sent: Mon 3/27/2017 9:14:31 PM
Subject: Valero (ND Tex) - MTD as field
[19-main.pdf](#)

Hi all!

Attached is the Valero nondiscretionary duty brief as-filed. Thanks so much again for all your work on this one. I think it is very persuasive. I'll be interested to see what Valero has to say for itself on response.

The appendix is coming separately; it is too large to email with the brief.

Thanks again!

Lisa

Lisa Bell

Trial Attorney

United States Department of Justice

Environmental Defense Section

Ex. 6 - Personal Privacy

Lisa.Bell@usdoj.gov

To: OGC ARLO[OGC_ARLO@epa.gov]
Cc: Hooks, Samantha[hooks.samantha@epa.gov]; Motley, Judy[motley.judy@epa.gov]
From: Graham, Cheryl
Sent: Mon 3/27/2017 5:54:43 PM
Subject: Reg Review is scheduled for 2:30 pm today in room 4045 (final agenda attached)
[17-03-27 agenda.docx](#)

Conference Call Number: 1-866-299-3188/access code is 2025645559 – Leader PIN 1010

Cheryl R. Graham

To: OGC ARLO[OGC_ARLO@epa.gov]
From: Graham, Cheryl
Sent: Mon 3/27/2017 12:32:07 PM
Subject: 03/27/17 Reg Review Agenda Updates
17-03-27 agenda.docx

Attached is the latest strikeout version of the reg agenda, if you have any additions/deletions please let me know by 11:00 today. Reg Review is scheduled for today (3/27) at 2:30pm in room 4045.

Thank you

Cheryl R. Graham
OGC/ARLO
(202) 564-5473

To: Li, Ryland (Shengzhi)[Li.Ryland@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
Cc: Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]
From: Orlin, David
Sent: Fri 3/24/2017 7:40:02 PM
Subject: FW: Valero Mandatory Duty - Third Draft MTD
[Valero--Third draft MTD \(3.24.17\).docx](#)
[Valero MTD redline \(DOJ v3 v EPA comments v2\).docx](#)

Ryland—I ran a redline of the latest version of the Valero MTD against what we sent over (see attached) and it seems there is a fair bit of reworking, although I think it’s mostly trying to make things easier for a judge who’s never seen the RFS, and maybe not any mandatory duty suit.

Roland—if you want to take a look at the revised statutory background discussion (pp.2-3) or anything else feel free. (I will probably have some small edits to the new background language, e.g., “The Act also gives EPA authority to adjust the Act’s applicable volumes, which it may exercise as part of its process in setting the annual percentage standards”)

Gautam—just FYI if you want to see the latest draft

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Bell, Lisa (ENRD) [mailto:Lisa.Bell@usdoj.gov]
Sent: Friday, March 24, 2017 3:14 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: Valero Mandatory Duty - Third Draft MTD

Hi!

Sorry for the delay. Here’s the *Valero* draft.

As you'll see, based on comments from my management, I streamlined the nondiscretionary duty section to make it simpler for the court to follow. I've also added more detail to the background section to provide more of an explanation of the RFS program, per management comments. I tried to be careful to use the correct fuel terminology, but please make sure that I am doing so.

I've also re-structured the venue section per your suggestion. I've left some comments in response to some of yours. As always apologies for any typos etc from the editing process – I am going to read this through many more times before filing so don't worry, I will catch them!

Let me know if you have any questions or concerns. If I could get final comments and edits by Monday AM, that would be much appreciated! I'd like to get the courtesy copy out to the Court on Monday as well, which means I'd need to file by 4pm to allow time for processing by our copy center and to get on the last Fed Ex from our building.

Thanks again for all of your work on this! I think it's looking good.

Lisa

Lisa Bell

Trial Attorney

United States Department of Justice

Environmental Defense Section

(202) 514-9275

Lisa.Bell@usdoj.gov

To: OGC ARLO[OGC_ARLO@epa.gov]
From: Graham, Cheryl
Sent: Fri 3/24/2017 10:10:50 AM
Subject: 03/27/17 Reg Review Agenda Updates
17-03-27 agenda.docx

Attached is the strikeout version of the reg agenda, if you have any additions/deletions please let me know by 11:00 Monday. Reg Review is scheduled for Monday (3/27) at 2:30pm in room 4045.

Thank you

Cheryl R. Graham
OGC/ARLO
(202) 564-5473

Cc: Bell, Lisa (ENRD)[Lisa.Bell@usdoj.gov]
To: Spence, Samara (ENRD)[Samara.Spence@usdoj.gov]
Sent: Thur 12/15/2016 10:48:32 AM
Subject: Re: Last minute question - Wyoming Refining
EPA-HQ-OAR-2016-0544-0007 small ref POO petition.pdf

They are a member of the small refiner group that has in fact petitioned for a change in POO.

From: Spence, Samara (ENRD) <Samara.Spence@usdoj.gov>
Sent: Wednesday, December 14, 2016 5:09 PM
To: Dubois, Roland
Cc: Bell, Lisa (ENRD)
Subject: Last minute question - Wyoming Refining

Roland,

Can you confirm that Wyoming Refining Company did not file a petition with EPA to reconsider the POO? We think it's strange that they wouldn't have done this when they are one of the parties that filed for judicial review of the 2010 rule.

Samara

Cc: Orlin, David[Orlin.David@epa.gov]
To: Schmidt, Lorie[Schmidt.Lorie@epa.gov]
Sent: Mon 12/5/2016 3:41:11 PM
Subject: ACE brief
ACE--Draft merits brief (11.30.16) Lorie.docx

Thanks for your comments Lorie. I thought they were helpful (and I was relieved that you thought the general waiver arguments to be OK). My responses/thoughts on your comments are in the attached (in comment bubbles on your comment bubbles), which I have forwarded to DOJ.

I suspect DOJ may ask whether you intend to read through the rest of the brief in this go-round. If they ask, shall I tell them that you do not plan on it? (If you do plan to keep reviewing, I would suggest you work off the version in one-drive, since that version includes Dave O's comments as well as some more of mine.)

Thanks!

From: Dubois, Roland
Sent: Monday, December 5, 2016 10:37 AM
To: Bell, Lisa (ENRD); Spence, Samara (ENRD)
Cc: Orlin, David; Li, Ryland (Shengzhi)
Subject: Lorie's comments on ACE brief

Ex. 5 - Deliberative Process

In addition to the specific comments in the attached, Lorie was complimentary on the brief, and also had this more general comment:

Ex. 5 - Deliberative Process

To: Stahle, Susan[Stahle.Susan@epa.gov]
Sent: Tue 11/1/2016 3:53:37 PM
Subject: FW: RIN under-generation
declaration of Byron Bunker-10-28.docxRD 10-31TRACK.docx

Sue,

From: Dubois, Roland
Sent: Tuesday, November 1, 2016 11:04 AM
To: Weihrauch, John <Weihrauch.John@epa.gov>
Subject: RE: RIN under-generation

Yes, I'm the right OGC attorney. How pressing is this? As you know, there is a lot going on this month. Could it wait until January ?

Ex. 5 - Deliberative Process

From: Weihrauch, John
Sent: Tuesday, November 1, 2016 10:12 AM
To: Dubois, Roland <Dubois.Roland@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: FW: RIN under-generation

Good morning Roland,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Are you the right attorney to involve in this issue? If not, could you let me know who would be.

Thanks,

John

From: Weihrauch, John
Sent: Thursday, October 27, 2016 4:13 PM
To: Manners, Mary <manners.mary@epa.gov>
Cc: Le, Madison <Le.Madison@epa.gov>
Subject: RIN under-generation

Mary,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

OECA was thinking that Phil would want to discuss this with Byron as early as next week (guessing Friday).

Thanks,

John

Cc: Burkholder, Dallas[burkholder.dallas@epa.gov]; Reid, Lauren[Reid.Lauren@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Mylan, Christopher[Mylan.Christopher@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]; Richards, David[Richards.David@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
To: Machiele, Paul[machiele.paul@epa.gov]; Argyropoulos, Paul[Argyropoulos.Paul@epa.gov]; Orlin, David[Orlin.David@epa.gov]
Sent: Tue 10/25/2016 2:28:41 PM
Subject: Re: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

From: Machiele, Paul
Sent: Monday, October 24, 2016 5:53 PM
To: Dubois, Roland; Argyropoulos, Paul; Orlin, David
Cc: Burkholder, Dallas; Reid, Lauren; Hengst, Benjamin; Mylan, Christopher; Birgfeld, Erin; Richards, David; Sutton, Tia
Subject: RE: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

From: Dubois, Roland
Sent: Monday, October 24, 2016 5:19 PM

To: Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Re: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

From: Machiele, Paul
Sent: Monday, October 24, 2016 5:13 PM
To: Argyropoulos, Paul; Orlin, David
Cc: Dubois, Roland; Burkholder, Dallas; Reid, Lauren; Hengst, Benjamin; Mylan, Christopher; Birgfeld, Erin; Richards, David; Sutton, Tia
Subject: RE: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

And if my brother is Ok with it, so am I.

PaulM

From: Argyropoulos, Paul
Sent: Monday, October 24, 2016 5:06 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Dubois, Roland <Dubois.Roland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Re: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

Paul Argyropoulos

Senior Policy Advisor

USEPA

Office of Transportation and Air Quality

Office: 202-564-1123

Mobile: 202-577-9354

On Oct 24, 2016, at 4:22 PM, Orlin, David <Orlin.David@epa.gov> wrote:

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Argyropoulos, Paul

Sent: Monday, October 24, 2016 4:08 PM

To: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

Ex. 5 - Deliberative Process Attorney Client

Thanks, paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Orlin, David

Sent: Monday, October 24, 2016 3:25 PM

To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Argyropoulos, Paul

Sent: Monday, October 24, 2016 1:02 PM

To: Dubois, Roland <Dubois.Roland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: POO FR Language and Response Document

Ex. 5 - Attorney Client

Thanks. Trying to lock down messaging.

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Dubois, Roland

Sent: Wednesday, October 19, 2016 12:45 PM

To: Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin

<Birgfeld.Erin@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: POO FR Language and Response Document

Ex. 5 - Attorney Client

From: Machiele, Paul

Sent: Wednesday, October 19, 2016 10:34 AM

To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: POO FR Language and Response Document

This looks great to me. Not sure how its different

From: Argyropoulos, Paul

Sent: Wednesday, October 19, 2016 9:08 AM

To: Machiele, Paul <machiele.paul@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: POO FR Language and Response Document

Team,

Tia, Erin, Chris, David and I have been meeting on the Rollout / COMs documents in preparation for our November release of the POO decision documents.

Ex. 5 - Deliberative Process

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: Ex. 6 - Personal Privacy

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

To: Orlin, David[Orlin.David@epa.gov]
Sent: Wed 9/7/2016 3:12:55 PM
Subject: RE: Janet's comments on draft POO response

Ex. 5 - Deliberative Process Attorney Client

FYI, I am in town today and tomorrow so plan to go to the Janet and Chris meetings.

From: Orlin, David
Sent: Wednesday, September 07, 2016 10:58 AM
To: Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Janet's comments on draft POO response

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland
Sent: Wednesday, September 07, 2016 10:33 AM
To: Orlin, David <Orlin.David@epa.gov>
Subject: FW: Janet's comments on draft POO response

Hi Dave. Forwarding this link from Dallas in case you have not yet found your way to the draft POO response with Janet's comments.

From: Burkholder, Dallas
Sent: Wednesday, September 07, 2016 8:20 AM
To: Dubois, Roland <Dubois.Roland@epa.gov>

Subject: RE: Janet's comments on draft POO response

This link should take you to the point of obligation folder on the sharepoint site:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Dubois, Roland
Sent: Tuesday, September 06, 2016 5:54 PM
To: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: Re: Janet's comments on draft POO response

Dallas, how would i find the document on sharepoint? (I seem to have access, but am not sure how to navigate to the document.) Thanks.

From: Burkholder, Dallas
Sent: Tuesday, September 6, 2016 4:45 PM
To: Machiele, Paul
Cc: Hengst, Benjamin; Burch, Julia; Reid, Lauren; Orlin, David; Dubois, Roland; Le, Madison; Argyropoulos, Paul
Subject: Re: Janet's comments on draft POO response

I just finished reviewing Janet's comments and entering them into the sharepoint file. Nothing stood out to me as significant issues, but others should feel free to take a look as well (if may be easier to find and read comments on the sharepoint version vs. reading the PDF file). I think we should be able to address these by the end of the day tomorrow. Of course, we still expect additional comments from Chris, and possibly

Ex. 5 - Attorney Client

Ex. 5 - Deliberative Process

From: Machiele, Paul
Sent: Tuesday, September 6, 2016 1:49:12 PM
To: Burkholder, Dallas
Subject: Fw: Janet's comments on draft POO response

From: Hengst, Benjamin
Sent: Tuesday, September 6, 2016 1:34 PM
To: Machiele, Paul; Burch, Julia; Reid, Lauren; Dubois, Roland; Orlin, David
Cc: Le, Madison; Argyropoulos, Paul
Subject: Janet's comments on draft POO response

I assume Dallas/Lauren will have pen on incorporating edits/responses?

We can use our RFS update with Janet tomorrow to flag any specific questions/comments we'd like to discuss with her, so please take a look at this before our meeting tomorrow.

Ben

From: DC-WJCN-6520Y-M@epa.gov <DC-WJCN-6520Y-M@epa.gov>
Sent: Tuesday, September 6, 2016 1:36 PM
To: Hengst, Benjamin
Subject:

To: Le, Madison[Le.Madison@epa.gov]
From: Dubois, Roland
Sent: Tue 8/16/2016 3:01:16 PM
Subject: Re: Murphy Presentation on Retaining Point of Obligation under RFS

Madison, I plan to call in. Thanks.

From: Le, Madison
Sent: Tuesday, August 16, 2016 11:00 AM
To: Machiele, Paul; Burkholder, Dallas; Reid, Lauren; Argyropoulos, Paul; Hengst, Benjamin; Herzog, Jeff; Dubois, Roland; Orlin, David; Lie, Sharyn
Subject: FW: Murphy Presentation on Retaining Point of Obligation under RFS

FYI – for our meeting at 1pm today with Murphy Oil and the DLA Piper attorneys who represent the terminal association. They will be attending in person in DC. I'll loop in the video to AA and will open up the call in number (call-in #: 866-299-3188; code # 202-564-5754)

Please let me know if you're unable to attend since the numbers have dwindled quite a bit.

From: Grant, Andrea [mailto:Andrea.Grant@dlapiper.com]
Sent: Tuesday, August 16, 2016 10:56 AM
To: Le, Madison <Le.Madison@epa.gov>
Subject: Murphy Presentation on Retaining Point of Obligation under RFS

Madison,

Attached is a copy of Murphy USA's presentation for today's meeting at 1:00 pm on "point of obligation." Would you please send the presentation to your colleagues in Ann Arbor so they also have it for the presentation.

Thank you very much.

Look forward to our meeting.

All the best,

Andrea

Andrea Grant

Partner

T +
F + **Ex. 6 - Personal Privacy**
M
E andrea.grant@dlapiper.com



DLA Piper LLP (US)
500 Eighth Street, NW
Washington, DC 20004
United States
www.dlapiper.com

Please consider the environment before printing this email.

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To: Orlin, David[Orlin.David@epa.gov]
From: Dubois, Roland
Sent: Fri 7/8/2016 8:21:02 PM
Subject: Re: POO Plan for Administrator

From: Orlin, David
Sent: Friday, July 08, 2016 3:44 PM
To: Hengst, Benjamin
Cc: Dubois, Roland
Subject: RE: POO Plan for Administrator

Ben—

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Hengst, Benjamin
Sent: Friday, July 08, 2016 9:02 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Dubois, Roland <Dubois.Roland@epa.gov>
Subject: Re: POO Plan for Administrator

Roland will fill you in. But I will find you later.

On Jul 8, 2016, at 8:52 AM, Orlin, David <Orlin.David@epa.gov> wrote:

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Hengst, Benjamin

Sent: Friday, July 08, 2016 8:44 AM

To: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

Subject: Fwd: POO Plan for Administrator

Ex. 5 - Deliberative Process

Begin forwarded message:

From: "Reid, Lauren" <Reid.Lauren@epa.gov>

Date: July 7, 2016 at 11:52:24 AM EDT

To: "Orlin, David" <Orlin.David@epa.gov>, "Dubois, Roland" <Dubois.Roland@epa.gov>, "Machiele, Paul" <machiele.paul@epa.gov>, "Argyropoulos, Paul" <Argyropoulos.Paul@epa.gov>

Cc: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Burkholder, Dallas" <burkholder.dallas@epa.gov>, "Charmley, William" <charmley.william@epa.gov>

Subject: RE: POO Plan for Administrator

Here's an updated version incorporating the suggestions in both a clean version and RLSO.

I've left in the schedule as written, but can remove if we decide to change it.

From: Orlin, David
Sent: Thursday, July 07, 2016 11:03 AM
To: Dubois, Roland <Dubois.Roland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: RE: POO Plan for Administrator

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland
Sent: Thursday, July 07, 2016 10:46 AM
To: Machiele, Paul <machiele.paul@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: POO Plan for Administrator

Ex. 5 - Attorney Client

Ex. 5 - Deliberative Process Attorney Client

From: Dubois, Roland
Sent: Thursday, July 07, 2016 9:55 AM
To: Machiele, Paul; Reid, Lauren; Argyropoulos, Paul
Cc: Hengst, Benjamin; Burkholder, Dallas; Charmley, William; Orlin, David
Subject: Re: POO Plan for Administrator

Ex. 5 - Attorney Client

From: Machiele, Paul
Sent: Thursday, July 07, 2016 9:22 AM
To: Reid, Lauren; Argyropoulos, Paul; Dubois, Roland
Cc: Hengst, Benjamin; Burkholder, Dallas; Charmley, William; Orlin, David
Subject: RE: POO Plan for Administrator

Nice work!

A few small edits.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

I guess we can talk it through with Chris at

10

From: Reid, Lauren
Sent: Thursday, July 07, 2016 8:49 AM
To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: POO Plan for Administrator

Here's an updated version incorporating Ben's suggestions.

From: Argyropoulos, Paul
Sent: Thursday, July 07, 2016 6:57 AM
To: Machiele, Paul <machiele.paul@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Cc: Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: POO Plan for Administrator

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Machiele, Paul

Sent: Wednesday, July 06, 2016 9:07 PM

To: Dubois, Roland <Dubois.Roland@epa.gov>

Cc: Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Subject: Re: POO Plan for Administrator

Ex. 5 - Deliberative Process Attorney Client

Sent from my iPhone

On Jul 6, 2016, at 6:17 PM, Dubois, Roland <Dubois.Roland@epa.gov> wrote:

Ex. 5 - Deliberative Process Attorney Client

Ex. 5 - Deliberative Process Attorney Client

From: Machiele, Paul

Sent: Wednesday, July 06, 2016 5:13 PM

To: Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

Subject: RE: POO Plan for Administrator

Yes, please do. I was going to try this afternoon, but didn't get to it. I'd spend more time on our take on the issues they raised and less on background. Should also explain who we have briefed on the issue and their reactions, and offer a detailed brief if requested.

Paul

From: Reid, Lauren
Sent: Wednesday, July 06, 2016 3:47 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: POO Plan for Administrator

I'd have some time tomorrow morning to add in some of the background issues highlighted below to the 2-pager. Let me know if you'd like me to start doing that.

From: Hengst, Benjamin
Sent: Wednesday, July 06, 2016 2:55 PM
To: Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Charmley, William <charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: POO Plan for Administrator

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Machiele, Paul

Sent: Wednesday, July 06, 2016 1:57 PM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Charmley, William <charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

Subject: POO Plan for Administrator

Ex. 5 - Deliberative Process

Paul

To: Orlin, David[Orlin.David@epa.gov]
From: Dubois, Roland
Sent: Thur 7/7/2016 3:43:03 PM
Subject: Re: POO Plan for Administrator

From: Orlin, David
Sent: Thursday, July 07, 2016 11:41 AM
To: Dubois, Roland
Subject: RE: POO Plan for Administrator

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland
Sent: Thursday, July 07, 2016 11:09 AM
To: Orlin, David <Orlin.David@epa.gov>
Subject: Re: POO Plan for Administrator

Ex. 5 - Attorney Client

Ex. 5 - Deliberative Process Attorney Client

From: Orlin, David

Sent: Thursday, July 07, 2016 11:02 AM

To: Dubois, Roland; Machiele, Paul; Reid, Lauren; Argyropoulos, Paul

Cc: Hengst, Benjamin; Burkholder, Dallas; Charmley, William

Subject: RE: POO Plan for Administrator

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland
Sent: Thursday, July 07, 2016 10:46 AM
To: Machiele, Paul <machiele.paul@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: POO Plan for Administrator

Ex. 5 - Attorney Client

Ex. 5 - Deliberative Process Attorney Client

From: Dubois, Roland
Sent: Thursday, July 07, 2016 9:55 AM
To: Machiele, Paul; Reid, Lauren; Argyropoulos, Paul
Cc: Hengst, Benjamin; Burkholder, Dallas; Charmley, William; Orlin, David
Subject: Re: POO Plan for Administrator

Ex. 5 - Attorney Client

From: Machiele, Paul
Sent: Thursday, July 07, 2016 9:22 AM
To: Reid, Lauren; Argyropoulos, Paul; Dubois, Roland
Cc: Hengst, Benjamin; Burkholder, Dallas; Charmley, William; Orlin, David
Subject: RE: POO Plan for Administrator

Nice work!

A few small edits.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

I guess we can talk it through with Chris at 10

From: Reid, Lauren

Sent: Thursday, July 07, 2016 8:49 AM

To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Subject: RE: POO Plan for Administrator

Here's an updated version incorporating Ben's suggestions.

From: Argyropoulos, Paul

Sent: Thursday, July 07, 2016 6:57 AM

To: Machiele, Paul <machiele.paul@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

Cc: Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Subject: RE: POO Plan for Administrator

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Machiele, Paul

Sent: Wednesday, July 06, 2016 9:07 PM

To: Dubois, Roland <Dubois.Roland@epa.gov>

Cc: Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Subject: Re: POO Plan for Administrator

Ex. 5 - Deliberative Process

Sent from my iPhone

On Jul 6, 2016, at 6:17 PM, Dubois, Roland <Dubois.Roland@epa.gov> wrote:

Ex. 5 - Deliberative Process Attorney Client

Ex. 5 - Deliberative Process Attorney Client

From: Machiele, Paul

Sent: Wednesday, July 06, 2016 5:13 PM

To: Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin
<Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>;
Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William

<charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: POO Plan for Administrator

Yes, please do. I was going to try this afternoon, but didn't get to it. I'd spend more time on our take on the issues they raised and less on background. Should also explain who we have briefed on the issue and their reactions, and offer a detailed brief if requested.

Paul

From: Reid, Lauren
Sent: Wednesday, July 06, 2016 3:47 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Charmley, William <charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: POO Plan for Administrator

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From: Hengst, Benjamin
Sent: Wednesday, July 06, 2016 2:55 PM
To: Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Charmley, William <charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: POO Plan for Administrator

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Machiele, Paul

Sent: Wednesday, July 06, 2016 1:57 PM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Charmley, William <charmley.william@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

Subject: POO Plan for Administrator

Ex. 5 - Deliberative Process

If I should have copied someone else on this, please forward it.

Paul

To: Orlin, David[Orlin.David@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Le, Madison[Le.Madison@epa.gov]; Korotney, David[korotney.david@epa.gov]; Reid, Lauren[Reid.Lauren@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Argyropoulos, Paul[Argyropoulos.Paul@epa.gov]; Parsons, Nick[Parsons.Nick@epa.gov]
From: Dubois, Roland
Sent: Sat 11/28/2015 10:47:44 PM
Subject: RE: RTC 10.6.6-- point of obligation

Ex. 5 - Deliberative Process Attorney Client

From: Orlin, David
Sent: Saturday, November 28, 2015 5:42 PM
To: Machiele, Paul
Cc: Hengst, Benjamin; Le, Madison; Korotney, David; Reid, Lauren; Burkholder, Dallas; Dubois, Roland; Argyropoulos, Paul; Parsons, Nick
Subject: Re: RTC 10.6.6-- point of obligation

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Machiele, Paul
Sent: Saturday, November 28, 2015 5:30 PM
To: Orlin, David
Cc: Hengst, Benjamin; Le, Madison; Korotney, David; Reid, Lauren; Burkholder, Dallas; Dubois, Roland; Argyropoulos, Paul; Parsons, Nick
Subject: Re: RTC 10.6.6-- point of obligation

Ex. 5 - Deliberative Process

Sent from my iPhone

On Nov 28, 2015, at 5:05 PM, Orlin, David <Orlin.David@epa.gov<mailto:Orlin.David@epa.gov>> wrote:

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Hengst, Benjamin

Sent: Saturday, November 28, 2015 4:55 PM

To: Le, Madison

Cc: Orlin, David; Machiele, Paul; Korotney, David; Reid, Lauren; Burkholder, Dallas; Dubois, Roland; Argyropoulos, Paul; Parsons, Nick

Subject: Re: RTC 10.6.6-- point of obligation

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Attorney Client

On Nov 28, 2015, at 4:42 PM, Le, Madison <Le.Madison@epa.gov<mailto:Le.Madison@epa.gov>> wrote:

Looping in Ben and Paul A. on this. Please advise based on the discussion below.

Ex. 5 - Deliberative Process Attorney Client

Ex. 5 - Deliberative Process

Question for Paul M. Paul A. and Ben:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Orlin, David

Sent: Saturday, November 28, 2015 3:02 PM

To: Machiele, Paul <machiele.paul@epa.gov<mailto:machiele.paul@epa.gov>>; Korotney, David <korotney.david@epa.gov<mailto:korotney.david@epa.gov>>; Reid, Lauren

<Reid.Lauren@epa.gov<mailto:Reid.Lauren@epa.gov>>; Burkholder, Dallas

<burkholder.dallas@epa.gov<mailto:burkholder.dallas@epa.gov>>; Le, Madison

<Le.Madison@epa.gov<mailto:Le.Madison@epa.gov>>

Cc: Dubois, Roland <Dubois.Roland@epa.gov<mailto:Dubois.Roland@epa.gov>>

Subject: RTC 10.6.6-- point of obligation

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

February 11, 2016

LEANN JOHNSON KOCH
LEANNJOHNSON@PERKINS COIE.COM
D. +1.202.654.6209
F. +1.202.654.9943**VIA CERTIFIED AND ELECTRONIC MAIL**

The Honorable Gina McCarthy
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
McCarthy.Gina@Epa.gov

**Re: Petition for Reconsideration of 40 C.F.R. § 80.1406 promulgated in
EPA-HQ-OAR-2005-0161**

Dear Administrator McCarthy:

Pursuant to Section 307(d)(7)(B) of the Clean Air Act (“CAA”), Alon Refining Krotz Springs, Inc.; American Refining Group, Inc.; Calumet Specialty Products Partners, L.P.; Lion Oil Company; Ergon-West Virginia, Inc.; Hunt Refining Company; Placid Refining Company LLC; U.S. Oil & Refining Co.; and Wyoming Refining Company (hereinafter the “Small Refinery Owners Ad Hoc Coalition” or “Coalition”), hereby petition EPA to convene a proceeding to reconsider the definition of “obligated party” in 40 C.F.R. § 80.1406. Each member of the Coalition is an “obligated party” under 40 C.F.R. § 80.1406(a)(1) and a small refinery under 40 C.F.R. § 80.1401, responsible for ensuring that Congressionally mandated volumes of renewable fuel are blended into the transportation fuel they produce as required by the Renewable Fuel Standard.

The definition of “obligated party” was originally promulgated in 2007 under the original Renewable Fuel Standard Program (“RFS1”)¹ and was re-promulgated under the 2010 Renewable Fuel Standard Program (“RFS2”),² which replaced RFS1. 75 Fed. Reg. 14,673. The same definition of obligated party was carried over into the final rule establishing the percentage standards for 2014, 2015, and 2016 and biomass-based diesel volume for 2017 (“2014-2016 final rule” or “final rule”).³

In the 2014-2016 final rule, EPA used its general and cellulosic waiver authorities in CAA Sections 211(o)(7)(A) and 211(o)(7)(D)(i) to reduce the renewable fuel volume mandates in CAA Section 211(o)(2)(B)(i) based on new findings in the final rule and new analyses published with the final rule, for reasons related to the definition of obligated party. Specifically, EPA concluded that: (1) the statutory volume mandates could not be achieved, in part because exempt blenders and distributors were currently unwilling to invest in new blending and distribution infrastructure necessary to meet the statutory volumes and (2) high Renewable Identification Number (“RIN”) prices were not, in the near term, expected to increase demand for high gasoline ethanol blends, like E85, because retailers chose to retain much of the RIN value to maximize their profits, rather than passing the RIN value through to consumers in the form of price discounts for E85. *Id.* at 77,459; 77,461.

¹ Regulation of Fuel and Fuel Additives: Renewable Fuel Standard Program, 72 Fed. Reg. 23,900 (May 1, 2007).

² Regulation of Fuels and Fuel Additives: Changes to the Renewable Fuel Standard Program, 75 Fed. Reg. 14,670 (Mar. 26, 2010).

³ Renewable Fuel Standard Program: Standards for 2014, 2015, and 2016 and Biomass-Based Diesel Volume for 2017, 80 Fed. Reg. 77,420 (Dec. 14, 2015).

EPA's use of its waiver authorities based on these new findings and analyses, which arose after the definition of "obligated party" was promulgated, but within the past 60 days, are evidence that the definition of obligated party is now arbitrary and capricious and must be reconsidered in accordance with CAA Section 307(d)(7)(B).

The following sections first explain the legal basis of this Petition and then outline why EPA's current approach to defining the "obligated party" has become arbitrary and capricious and must be re-examined.

I. The Legal Justification for Filing the Coalition Petition

This Petition rests on EPA's statements and analyses in the 2014-2016 Final Rule, which reopened the definition of obligated party in RFS2. In RFS1 and RFS2, EPA placed the compliance obligation on refiners and importers on the theory that the current definition of obligated party would work automatically through market mechanisms to increase the use of renewable fuels regardless of where the point of compliance was located. This was a key part of the justification for leaving the original definition unchanged when RFS2 replaced RFS1. EPA's decision in the 2014-2016 final rule to waive the statutorily mandated volumes acknowledged that placing the obligation on refiners and importers no longer ensures that Congress' statutory volumes can be achieved, which means that the definition of "obligated party" can no longer be justified and must be reconsidered. The Clean Air Act allows the filing of a petition for judicial review of an EPA rule outside the 60 day deadline that normally applies if that petition is based "solely on grounds arising after" that 60th day. CAA § 307(b)(1). Those new grounds arose for the definition of "obligated party" when EPA issued the 2014-2016 final rule and published its

new conclusions concerning market constraints caused by the definition of obligated party, which necessitated the use of the agency's waiver authority. The Coalition will file a petition for judicial review of the definition of "obligated party" in RFS2, within sixty days of the Federal Register publication of the 2014-2016 final rule.⁴

II. BACKGROUND

1. The Clean Air Act Requirements

Congress directed EPA to promulgate regulations to ensure that transportation fuel sold or introduced into commerce in the United States, on an annual average basis, contains at least the applicable volume of renewable fuel, advanced biofuel, cellulosic biofuel, and biomass-based diesel set by Congress for each calendar year. 42 U.S.C. § 7545(o)(2). To carry out that mandate, the statute requires EPA to promulgate regulations applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the Congressionally mandated volumes of renewable fuel are blended. *Id.* § 7554(o)(2)(A)(iii). Congress emphasized that for **each calendar year**, EPA has a recurring obligation to: (1) determine the applicable volume percentage of transportation fuel sold or introduced into commerce in the United States; (2) determine to whom the renewable fuel obligation applies – refiners, blenders, and importers – as

⁴ The Coalition believes that EPA had to consider whether the existing point of obligation properly served the statutory purposes when it determined that the required volumes of renewable fuel for the 2014-2016 compliance years could not be met. *Id.* at 77,420. That is true for several reasons, but most notably because Congress directed that the compliance obligation for each separate year apply to "refineries, blenders and importers, **as appropriate**" to ensure that the statutory volumes are met, thus directing periodic re-examination to ensure that the "appropriate party" was regulated. 42 U.S.C. § 7545(o)(3)(B)(ii)(I)(emphasis added). Though EPA has said this issue lies "outside the scope" of the 2014-2016 rulemaking, given the statutory language, it had no power to decline to consider the point of obligation. For this reason, the Coalition will also file a petition for judicial review of the 2014-2016 final rule. However, this Petition is not filed in support of that challenge because the Coalition believes that issue is ready for the courts to consider as it stands.

appropriate; and (3) determine a single applicable percentage that applies to the parties identified in (2) above, obligated parties. *See, Id.* § 7545(o)(3)(B)(ii).

2. EPA's Regulatory Response

In response to Congress' directive, EPA, in RFS1, decided to implement the renewable fuel mandate through a credit trading approach whereby those who are able to blend renewable fuel would be able to generate ("separate" under the rule), emission credits known as RINs that could then be freely traded and used to demonstrate compliance by those who are not able to blend renewable fuel. However, EPA did **not** place the compliance obligation on blenders – those best able to produce RINs needed for compliance. Rather, it placed the compliance obligation on refiners and importers, even though many of them, particularly small and merchant refineries, cannot blend to produce the RINs they need for compliance. EPA also chose to exempt blenders and distributors from any compliance obligations, even though they control the means of compliance – the ability to blend – and are best positioned to expand the renewable fuel blending and distribution infrastructure.

This asymmetry between those who can blend and generate the means of compliance (RINs) and those who have the compliance obligation but not the means to comply, raised the obvious prospect that those who generated RINs might not invest in generating more, since they had no compliance obligation, but would instead keep the money as profit or invest it in improving their own market position in ways with no relation to renewable fuels.

EPA recognized this asymmetry when it promulgated the definition of “obligated party” in RFS1, placing the compliance obligation on refiners and importers, rather than downstream blenders and distributors who controlled the means of compliance:

. . . under this program the refiners and importers of gasoline are the parties obligated to comply with the renewable fuel requirements. At the same time, refiners and importers do not generally produce or blend renewable fuels at their facilities and so are dependent on the actions of others for the means of compliance. Unlike EPA's other fuel programs, the actions needed for compliance largely center on the production, distribution, and use of a product by parties other than refiners and importers.

72 Fed. Reg. 23,937.

In RFS2, EPA described its RFS1 decision to place the compliance obligation on refiners, even though they did not control the means of compliance, as driven by administrative convenience, regulating the relatively small number of already regulated refineries versus the relatively large number of downstream blenders and terminal operators. 75 Fed. Reg. 14,722.

When promulgating RFS2, the agency acknowledged that its reasons for placing the compliance obligation on refiners and importers and exempting downstream blenders and distributors in RFS1 was **no longer valid**. *Id.* However, EPA did not relocate the compliance obligation in RFS2 to include downstream blenders and terminal operators because the program appeared to be working and because EPA wanted to avoid disrupting the implementation of RFS2. *Id.* Therefore, EPA reviewed and then adopted the same definition of “obligated party” in RFS2. However, the agency acknowledged the need to revisit the definition in a subsequent rulemaking if the rule was not working:

We will continue to evaluate the functionality of the RIN market. Should we determine that the RIN market is not operating as intended, **driving up prices for obligated parties**

and fuel prices for consumers, we will consider revisiting this provision in future regulatory efforts.

Id. (emphasis added).

3. Recent History

In 2013, RIN prices hit historic high levels. As it promised to do in RFS2, EPA studied the functionality of the RIN market and analyzed whether the increase in the price of RINs was “driving up prices for obligated parties and fuel prices for consumers” in a report published by EPA contemporaneous with the proposed 2014-2016 renewable fuel requirements (“Burkholder I”).⁵ EPA concluded in Burkholder I that refiners were generally recovering their RIN costs in the price of the petroleum fuels they produce and that higher RIN prices would drive investments in blending and distribution infrastructure and the use of higher ethanol blends, like E85. *Id.* at 2-3. Based on these findings, EPA adopted a policy to drive investment in blending and distribution infrastructure through higher RIN prices for obligated parties. *Id.* EPA did not examine whether shifting the point of obligation would increase the effectiveness of these market forces.

On December 14, 2015, EPA published the 2014-2016 final rule. In that rule, for the first time in the history of the RFS program, EPA exercised its waiver authority to reduce the Congressionally mandated volumes, recognizing that refiners and importers could no longer ensure that Congressionally mandated renewable fuel volumes would be blended into transportation fuel due to marketplace constraints. 80 Fed. Reg. 77,422-23.

⁵ A Preliminary Assessment of RIN Market Dynamics, RIN Prices and Their Effects, Dallas Burkholder, Office of Transportation and Air Quality, US EPA, May 14, 2015.

Though EPA's decision to exercise its waiver authority to reduce the total annual volumes below the volumes set by Congress was necessary and correct, it was based on a reversal of the agency's decision that it could meaningfully impact the annual supply of biofuels in transportation fuel in the near term under the current definition of obligated party, by increasing the price that refiners and importers paid for RINs. The volume reduction, read together with the reasons that EPA gave for it, were a repudiation of Burkholder I and EPA's strategy to increase renewable fuel usage through higher RIN prices, which required EPA to re-examine its compliance approach including, in particular, the definition of obligated party. The agency's decision not to change the definition of obligated party in light of the agency's conclusions concerning the lack of investment in blending and distribution infrastructure and lack of RIN value passed through in the E85 market makes the definition of obligated party arbitrary and capricious.

The Coalition and others have addressed these issues, other than EPA's most recent findings published for the first time in the 2014-2016 final rule, in full detail in their comments on EPA's proposed 2014 -2016 rule.⁶ We incorporate those comments and the documents they cite and on which they rely in this Petition. What follows is only an outline of the full case that

⁶ Comments from the Small Refinery Owners Coalition ("the Coalition") on EPA's proposed rule "Renewable Fuel Standard Program: Standards for 2014, 2015, and 2016 and Biomass-Based Diesel Volume for 2017," Docket ID No. EPA-HQ-OAR-2015-0111 ("Coalition Comments"); *see also*, Comments of The Valero Companies, EPA-HQ-OAR-2015-0111-2765 (July 25, 2015); Comments of Monroe Energy, LLC and Philadelphia Energy Solutions Refining and Marketing, LLC, EPA-HQ-OAR-2015-0111-2603 (July 25, 2015); Comments of American Fuel & Petrochemical Manufacturers and American Petroleum Institute, EPA-HQ-OAR-2015-0111-1948 (July 25, 2015); Comments of Crimson Renewable Energy LP, EPA-HQ-OAR-2015-0111-1823 (July 25, 2015); Comments of CVR Refining, LP, EPA-HQ-OAR-2015-0111-2500 (July 25, 2015); Comments of Holly Frontier Corporation, EPA-HQ-OAR-2015-0111-2257 (July 25, 2015); Comments of PBF Holding Company LLC, EPA-HQ-OAR-2015-0111-1724 (July 25, 2015).

could be made for a change in EPA's definition of obligated party. We look forward to making that full case when EPA grants this Petition.

III. WHY EPA'S DECISION IS ARBITRARY AND CAPRICIOUS

1. Exempting Blenders and Distributors From the Definition of Obligated Party Is Arbitrary and Capricious In Light of the Agency's Use of its Waiver Authorities

EPA's decision to place the compliance obligation on refiners and to exempt non-refining blenders and distributors has created a compliance loophole through which exempt blenders and distributors are reaping windfall profits selling RINs, with no obligation or financial incentive to reinvest their windfall profits in blending or distribution infrastructure. Although the loophole has existed since 2007, the harm has only been realized in recent years as rising RIN prices have not driven investment in blending and distribution infrastructure by the parties best positioned to do so – exempt blenders and distributors – who are now preventing EPA from meeting the statutory mandates.

In explaining the agency's use of its general and cellulosic waiver authorities in the 2014-2016 final rule, EPA acknowledges that in order to meet the statutorily mandated volumes, investments in blending and distribution infrastructure must occur. 80 Fed. Reg. 77,459. EPA also acknowledges it is using its waiver authorities because blenders and distributors have **chosen** not to make the necessary investments in blending and distribution infrastructure:

Fuel blenders and distributors must see sustained profit opportunities before they are willing to invest in new infrastructure to increase their capacity to blend and distribute renewable fuels. Market competition must increase before fuel blenders and distributors are willing to pass along all of the reduced effective price of renewable fuel (in essence, the value of RINs) to consumers at retail. New fueling

infrastructure will need to be built to facilitate the growth in sales of fuels containing an increasing percentage of renewable fuel. And as exposure to renewable fuels increases, it will take some time for consumers to learn to identify value in fuel blends containing higher proportions of renewable fuels, as well as their vehicle's ability to handle these fuel blends and where they are available for purchase. This suggests that while the RFS program can be effective at increasing the renewable content of transportation fuels over time, **it likely cannot substantially increase the available supply of renewable transportation fuels to consumers in the United States to the volumes envisioned by Congress in the short term.**

Id. at 77,459-60 (emphasis added).

"Fuel blenders and distributors" do not need to ". . . see sustained profit opportunities before they are willing to invest in new infrastructure to increase their capacity to blend and distribute renewable fuels." *Id.* They only need to see "blenders and distributors" defined as the "obligated party" under 40 C.F.R. § 80.1406 before they make these investments. The windfall RIN revenues flowing out of the program, and not being reinvested by exempt blenders, are described at length in the Coalition's comments on the 2014-2016 final rule, are well known to the agency, and are a matter of public record in the 10-Qs and 10-Ks of exempt blenders.

A very recent report indicates that blender/distributor Murphy USA made \$117.5 million selling 218 million RINs at an average of 54 cents per RIN to obligated parties in 2015, "adding to the bottom line" and offsetting losses in other sectors of its business.⁷ Murphy also reported adding 44 new retail stores in the fourth quarter of 2015, but did not report any new investments in renewable fuel blending or distribution infrastructure. *Id.*

⁷ Murphy USA Inc. Press Release, Fourth Quarter 2015 Results (Feb. 3, 2016), available at: <http://ir.corporate.murphyusa.com/phoenix.zhtml?c=251856&p=irol-news&nyo=0>.

EPA claims that investments by Murphy and other exempt blenders will take time. But EPA is not at liberty to use its waiver authority in order to allow blenders and distributors time to enjoy sustained profits before they decide whether to make the investments that the statutory mandate requires. EPA has been directed to achieve the Congressionally mandated volumes each year and EPA may only exercise its waiver authorities in limited circumstances, which does not include continuing to exempt parties that are needed to meet the statute's mandates. The Congressional mandate does not allow EPA to grant a waiver based on "inadequate domestic supply" to the extent that EPA's own regulatory actions have created it.

Further, EPA's statements that blenders' RIN receipts should be used to incentivize investments in blending and distribution infrastructure are inappropriate. EPA has explained that RINs are a compliance mechanism, intended solely to facilitate compliance by obligated parties, not a wealth transfer device to exempt blenders. 72 Fed. Reg. 23,937. EPA's intent to exempt blenders and distributors in the hopes that they may generate enough profit to be incentivized to use refiners' RIN costs to build out their own blending and distribution infrastructure is an invalid use of the waiver authorities. In the proposed 2014-2016 rule, EPA claimed that high RIN prices paid by refiners would encourage blenders to make these investments. In response, the Coalition commented extensively on the fact that small refineries, in particular, could not and were never expected to make these investments because they lack the capital to do so.⁸ The Coalition further explained that RINs were intended to be used as a compliance tool and not a

⁸ See Small Refinery Exemption Study, An Investigation into Disproportionate Economic Hardship Office of Policy and International Affairs U.S. Department of Energy March 2011.

wealth transfer device by which refiners fund investments by blenders in their own infrastructure. EPA now contemplates RIN revenues from small refineries paying for blenders and distributors to invest in their own businesses.

While EPA is correct that it will take time for the necessary blending and distribution infrastructure to be built, and a waiver of statutorily mandated renewable fuel volumes is necessary in the meantime, for the reasons stated above, EPA must obligate blenders and marketers now in order to encourage the start of the investments necessary to meet the statutory mandates.

2. EPA's New Conclusion in the 2014-2016 Rule That High RIN Prices May Not Incentivize Increased Renewable Fuel Usage Requires A Change to the Definition of Obligated Party

In *Burkholder I*,⁹ EPA concluded that higher RIN prices could significantly impact renewable fuel usage by subsidizing the retail price of high-ethanol gasoline blends such as E85, departing from its earlier conclusion that RINs were **solely** a means of compliance for obligated parties. EPA surmised in *Burkholder I* that the value of the RIN received by blenders and retailers would be passed to customers in the form of reduced consumer prices for E85, encouraging the growth of the market for E85. EPA's theory was the foundation for EPA's decision in the 2014-2016 to incentivize investments through higher RIN prices.¹⁰

⁹ See *supra*, note 4.

¹⁰ EPA claims that it did not reopen the obligated party definition in the 2014-2016 final rule. As described above, the Coalition contends that it was required by law to do so. Moreover, the *Burkholder I* report had no other purpose than to examine anew the policy justification for that definition. The *Burkholder I* report either (or both) examined the reopeners in the 2010 rule – increasing compliance costs for obligated parties and fuel prices for consumers – or assessed whether the existing rule structure, with refiners and importers as obligated parties, prevented the volume mandates from being achieved.

In a second report by Dallas Burkholder ("Burkholder II"),¹¹ however, EPA rejected its conclusion that E85 use would grow in the near term as a result of RIN value being passed on to consumers. Instead, EPA observed that "... a significant portion of this RIN value is being, and likely will continue to be, withheld by E85 wholesalers and retailers in order to maximize their profits" rather than seeking to maximize E85 sales volumes. Burkholder II at 10. In other words, the RIN value was instead taken as profit by blenders or retailers and not passed on to retail customers to encourage renewable fuel consumption.

In the 2014-2016 final rule, EPA found for the first time that marketplace realities did not reflect its theoretical model, stating that "the RIN is currently an inefficient mechanism for reducing the price for higher level ethanol blends at retail, and therefore unlikely to be able to significantly impact the supply of ethanol in the United States in 2016." 80 Fed. Reg. 77,457. In effect, the agency concluded that because blenders are not obligated parties, RIN values "likely cannot substantially increase the available supply of renewable transportation fuels to consumers in the United States to the volumes envisioned by Congress in the short term." *Id.* at 77,460.

The conclusions in Burkholder II confirm that blenders and distributors, exempt from any obligation to comply, will choose profits over expanding the usage of renewable fuels. In light of these new findings, EPA can no longer regard it as "appropriate" under 42 U.S.C. § 7545(o)(2) to place the compliance obligation on refiners and importers, rather than blenders and distributors.

¹¹ 80 Fed. Reg. at 77,459 n.84, *citing* An Assessment of the Impact of RIN Prices on the Retail Price of E85, Dallas Burkholder, Office of Transportation of Air Quality, US EPA, November 2015. Burkholder II, although dated November 2015, was not publicly available until it was uploaded to the docket contemporaneous with the publication of the 2014-2016 final rule.

IV. CONCLUSION

The Clean Air Act requires EPA to promulgate and then revise the RFS regulations to ensure that applicable volumes of renewable fuel are blended into transportation fuel sold in the United States. 42 U.S.C. § 7545(o)(2)(a)(i). Each year, the regulations must contain compliance provisions “applicable to refineries, blenders, distributors, and importers, as appropriate” to ensure that the renewable fuel volume mandates are met. 42 U.S.C. § 7545(a)(3)(B)(ii)(I). Continuing to exempt non-refining “blenders and distributors” while exercising the agency’s waiver authorities does not ensure that transportation fuels sold in the United States contain “applicable volumes of renewable fuel.” Therefore, EPA’s definition of obligated party is arbitrary and capricious and EPA should reconsider the definition of “obligated party” in 40 C.F.R. § 80.1406 and impose the RFS compliance obligation on blenders, as required by 42 U.S.C. §§ 7545(o)(2)(A)(iii), (3)(B)(ii)(I).

Thank you for your consideration of the Coalition’s petition.

Sincerely,

A handwritten signature in black ink, appearing to read 'LeAnn Johnson Koch', with a stylized, cursive script.

LeAnn Johnson Koch
Counsel to the Coalition

The Honorable Gina McCarthy
February 11, 2016
Page 15

cc: EPA Docket Center (via overnight mail and email)
Ms. Janet McCabe (via email)
Ms. Julia MacAllister (via email)

Members of the Coalition (via email):

James Ranspot, Esq., Alon Refining Krotz Springs, Inc.
Mr. Stephen L. Sherk, American Refining Group, Inc.
Ms. Anne Goldsmith, Calumet Specialty Products Partners, L.P.
Mr. Michael Norman, Lion Oil Company
Mr. H. Don Davis, Ergon-West Virginia, Inc.
David L. Carroll, Esq., Hunt Refining Company
Mr. Ronald D. Hurst, Placid Refining Company LLC
Mr. Cameron Proudfoot, U.S. Oil & Refining Co.
Mr. Robert Neufeld, Wyoming Refining Company

To: OGC ARLO[OGC_ARLO@epa.gov]
From: Graham, Cheryl
Sent: Mon 6/27/2016 10:32:08 AM
Subject: Reminder: 6/27/16 Reg Review Agenda Updates
[16-06-27 agenda.docx](#)

Attached is the strikeout version of the reg agenda, if you have any additions/deletions please let me know by 11:00 today. Reg Review is scheduled for today (6/27) at 2:30 pm in room 4045.

Thank you

Cheryl R. Graham
OGC/ARLO
(202) 564-5473

To: OGC ARLO[OGC_ARLO@epa.gov]
From: Graham, Cheryl
Sent: Thur 6/23/2016 10:09:24 PM
Subject: 6/27/16 Reg Review Agenda Updates
[16-06-27 agenda.docx](#)

Attached is the strikeout version of the reg agenda, if you have any additions/deletions please let me know by 11:00 Monday. Reg Review is scheduled for Monday (6/27) at 2:30 pm in room 4045.

Thank you

Cheryl R. Graham
OGC/ARLO
(202) 564-5473

From: Le, Madison
Location: call-in #: 866-299-3188; code #:202-564-5754
Importance: Normal
Subject: Follow-up discussion ECA fuel/HO exclusion from RVO
Start Date/Time: Mon 1/23/2017 4:00:00 PM
End Date/Time: Mon 1/23/2017 5:00:00 PM
[Diesel RVO Backgrounder \(12132016\) v2.docx](#)
[Early draft QA on excluding ECA-HO from RVO 1-19-17 clean.docx](#)

From: Le, Madison
Sent: Thursday, January 19, 2017 7:32 PM
To: Bunker, Byron <bunker.byron@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>
Cc: Dubois, Roland <Dubois.Roland@epa.gov>; Thompson, Christopher <Thompson.Christopher@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>; Miller, Anthony <Miller.Anthony@epa.gov>; Anderson, Robert <Anderson.Robert@epa.gov>; McKenna, Chris <mckenna.chris@epa.gov>; Herzog, Jeff <Herzog.Jeff@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>
Subject: Follow-up discussion ECA fuel/HO exclusion from RVO

Hi Byron, David, and Paul M.,

Ex. 5 - Deliberative Process

Monday (1/23) at 11am seems to be open for most folks. I will send out a calendar invite shortly.

Thanks,
Madison

From: Le, Madison
Location: AA-Room-Office-N120-VideoRoom/AA-OTAQ-OFFICE;
DCRoomARN5528p20/DC-OAR-OTAQ-CD (call-in #: 866-299-3188; code #: 202-564-5754)
Importance: Normal
Subject: FW: Calendar Hold: P.O.O. (Murphy Oil and Independent Fuel Terminal Operators Association)
Start Date/Time: Tue 8/16/2016 5:00:00 PM
End Date/Time: Tue 8/16/2016 6:00:00 PM

-----Original Appointment-----

From: Le, Madison
Sent: Tuesday, July 19, 2016 1:55 PM
To: Le, Madison; Machiele, Paul; Burkholder, Dallas; Reid, Lauren; Argyropoulos, Paul; Hengst, Benjamin; Herzog, Jeff
Subject: Calendar Hold: P.O.O. (Murphy Oil and Independent Fuel Terminal Operators Association)
When: Tuesday, August 16, 2016 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: AA-Room-Office-N120-VideoRoom/AA-OTAQ-OFFICE; DCRoomARN5528p20/DC-OAR-OTAQ-CD (call-in #: 866-299-3188; code #: 202-564-5754)

The CEO of Murphy Oil and Andrea Grant from the Independent Fuel Terminal Operators Association (IFTOA) would like to come to DC to talk about Valero's proposal to move the point of obligation. They are oppose to this change and are intending to send in written comments to support this position.

Cc: Orlin, David[Orlin.David@epa.gov]
To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Dubois, Roland
Sent: Thur 12/15/2016 1:24:17 PM
Subject: Re: ACE - Front office brief
ACE--Front office brief (12.8.16)RD12-13+do.docx

Hi Ben.

Ex. 5 - Deliberative Process

Roland

From: Hengst, Benjamin
Sent: Thursday, December 15, 2016 8:13 AM
To: Dubois, Roland
Cc: Orlin, David
Subject: Re: ACE - Front office brief

I think the silence is the answer, yes?

I'm reading it again and it looks good. Nice work.

On Dec 14, 2016, at 1:02 PM, Dubois, Roland <Dubois.Roland@epa.gov> wrote:

Is anyone in OTAQ is reviewing the most recent draft of the brief? I should send comments to DOJ as soon as possible (within the next 1/2 hour or so), as they are in the midst of a final mop up prior to filing tomorrow. FYI, Dave, Ryland and I have all reviewed it and have suggested a number of clarifying and stylistic edits, but we did not see any significant policy or accuracy issues.

Thank you!

. . . almost done!

From: Orlin, David
Sent: Thursday, December 8, 2016 4:37 PM
To: Hengst, Benjamin; Machiele, Paul; Argyropoulos, Paul; Simon, Karl; Bunker, Byron; Burkholder, Dallas; Korotney, David; Reid, Lauren; Parsons, Nick; Audette, Lucie; Lie, Sharyn
Cc: Li, Ryland (Shengzhi); Dubois, Roland
Subject: FW: ACE - Front office brief

Ex. 5 - Deliberative Process

Attached is the near-final version, but if you see inaccuracies, typos, anything you aren't comfortable with, etc., feel free to let us know.

I think it turned out well and that DOJ feels good about it, and I hope you are pleased too,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Bell, Lisa (ENRD) [<mailto:Lisa.Bell@usdoj.gov>]
Sent: Thursday, December 08, 2016 4:21 PM
To: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Cc: Spence, Samara (ENRD) <Samara.Spence@usdoj.gov>
Subject: ACE - Front office brief

Hi all,

Thanks again for pushing all of the edits through today. Attached is the final draft of the brief we sent to our front office this afternoon. We'd like any EPA front office comments back by Wednesday afternoon at the latest to give us time to finalize the brief by Thursday.

Thanks very much again for the fast edits, and all of your work on this case!

Lisa

Lisa Bell

Trial Attorney

United States Department of Justice

Environmental Defense Section

(202) 514-9275

Lisa.Bell@usdoj.gov

To: Dubois, Roland[Dubois.Roland@epa.gov]; Michaels, Lauren[Michaels.Lauren@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]
From: Li, Ryland (Shengzhi)
Sent: Tue 3/21/2017 8:15:46 PM
Subject: RE: 'Valero--Second draft MTD (3.21.17) cEPA'
Valero--Redline Second draft MTD (3.21.17).docx

In case it's helpful, here's a redline of the second draft from Lisa against the first draft with EPA's edits.

From: Li, Ryland (Shengzhi)
Sent: Tuesday, March 21, 2017 4:11 PM
To: Dubois, Roland <Dubois.Roland@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: 'Valero--Second draft MTD (3.21.17) cEPA'

Roland and Lauren,

If you plan to submit comments, please do so by this Thursday at 10am if possible. This will give me a chance to go over our comments, which Dave says he plans to review at 2pm Thursday. DOJ is requesting comments by Friday. If you need more time, please let Dave and I know. Thanks so much!

Regards,

Ryland

Ryland (Shengzhi) Li

Attorney-Adviser

U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office

tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7353K

mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460

From: Li, Ryland (Shengzhi) [<mailto:no-reply@sharepointonline.com>]
Sent: Tuesday, March 21, 2017 4:07 PM
To: Dubois, Roland <Dubois.Roland@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: Li, Ryland (Shengzhi) has shared 'Valero--Second draft MTD (3.21.17) cEPA'

Here's the document that Li, Ryland (Shengzhi) shared with you.

**Open Valero--Second draft MTD
(3.21.17) cEPA.docx**

See more related to [Li, Ryland \(Shengzhi\)](#) in Delve.

Get the OneDrive mobile app! Available for



To: Li, Ryland (Shengzhi)[Li.Ryland@epa.gov]; Orlin, David[Orlin.David@epa.gov]
Cc: Dubois, Roland[Dubois.Roland@epa.gov]
From: Bell, Lisa (ENRD)
Sent: Tue 3/21/2017 5:59:57 PM
Subject: RE: Valero--First draft MTD
Valero--Second draft MTD (3.21.17).docx

Hi everyone! Thanks for your patience, and for all of the feedback (and putting me out of a job doing case research!).

Attached please find the newest draft of the Valero MTD and some comments. If you could get me all EPA comments by Friday, I would appreciate it (filing is Monday). FYI, we're operating under a 25-page limit.

Thanks again!

Lisa

From: Li, Ryland (Shengzhi) [mailto:Li.Ryland@epa.gov]
Sent: Monday, March 20, 2017 6:13 PM
To: Orlin, David <Orlin.David@epa.gov>; Bell, Lisa (ENRD) <LBell@ENRD.USDOJ.GOV>
Cc: Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Valero--First draft MTD

Thanks Lisa and no worries at all. We did give you many comments, and really appreciate your taking the time to work through them all.

Regards,

Ryland

Ryland (Shengzhi) Li

Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office

tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7353K

mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460

From: Orlin, David
Sent: Monday, March 20, 2017 5:47 PM
To: Bell, Lisa (ENRD) <Lisa.Bell@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Valero--First draft MTD

Thanks very much—I'm sure the brief will benefit from you taking the extra time!

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Bell, Lisa (ENRD) [<mailto:Lisa.Bell@usdoj.gov>]
Sent: Monday, March 20, 2017 5:35 PM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Valero--First draft MTD

Hi all,

Thanks again for your edits and comments on the *Valero* brief! Unfortunately, despite my best efforts, I need a bit more time to get through them, run some of your questions by my colleagues, and read through the draft again. So, I'm going to miss my internal review deadline of COB today. But, I plan to get you the next draft by asap tomorrow morning, with some annotations in response to your comments and edits. I'm so sorry about that!

Thanks, and have a good evening,

Lisa

From: Bell, Lisa (ENRD)
Sent: Monday, March 20, 2017 10:13 AM
To: 'Orlin, David' <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Valero--First draft MTD

Thank you very much! And I wouldn't expect anything less. ☺

I'll turn this around by COB today, and let you know if I have any questions in the meantime.

Thanks,

Lisa

From: Orlin, David [<mailto:Orlin.David@epa.gov>]
Sent: Friday, March 17, 2017 4:24 PM
To: Bell, Lisa (ENRD) <LBell@ENRD.USDOJ.GOV>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Valero--First draft MTD

Hi Lisa,

Thanks very much for the great draft. As usual, we were all happy with it, but (as usual) that didn't stop us from having a number of comments. I hope the various comment bubbles with back and forth are helpful and not simply difficult to track (given various schedules I am giving you and Ryland my comments simultaneously). Of course feel free to reach out to one of us if you'd like to discuss anything.

Thanks again and have a nice weekend,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Bell, Lisa (ENRD) [<mailto:Lisa.Bell@usdoj.gov>]
Sent: Friday, March 10, 2017 5:56 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Dubois, Roland <Dubois.Roland@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Valero--First draft MTD

Hi Ryland,

As promised, attached is the first draft of the Valero MTD. A few notes:

1. I dropped the standing arguments. As we talked about earlier, they were a stretch. And, I wouldn't want to encourage the Court to grant discovery on standing issues either.
2. I did not argue for the D.D.C. It seemed too pushy to me. But, I'd welcome your thoughts. If we do add something, perhaps a footnote at the end of the venue section, noting that

jurisdiction is proper in the WD Tex and DDC, but that the DDC is more convenient for x,y,z reasons. Then we can wait to see what Valero says.

3. I dropped the argument about the periodic reviews being a discretionary action. I hear your point, and I think the weight of the case law is against us. The courts have held in the past that it can compel reviews without compelling the substance of those reviews. But, also welcome your thoughts on this one.

4. Sorry for typos/citation errors. I know that I am being inconsistent with citing the Act (section 211 vs. 7545), and I will fix that in the next draft!

I'm expecting your comments back by 3/17. If you get them to me earlier, I can of course turn around another draft earlier and quickly. In the meantime, please let me know if you'd like to discuss anything – I am available!

Thank you!

Lisa

Lisa Bell

Trial Attorney

United States Department of Justice

Environmental Defense Section

(202) 514-9275

Lisa.Bell@usdoj.gov

To: Li, Ryland (Shengzhi)[Li.Ryland@epa.gov]
Cc: Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Mon 3/20/2017 4:28:00 PM
Subject: Fwd: ACE - Annotated Reply Briefs
[ENV DEFENSE-#798485-v1-ACE - Annotated Final ACE Reply Br.docx ATT00001.htm](#)
[ENV DEFENSE-#799381-v1-ACE - Annotated Final NBB Reply Br.docx ATT00002.htm](#)
[ENV DEFENSE-#799383-v1-ACE - Annotated Final OP POO Reply Br.docx ATT00003.htm](#)
[ENV DEFENSE-#799382-v1-ACE - Annotated Final Cellulosic and BBD Reply B....docx ATT00004.htm](#)

Fyi

Begin forwarded message:

From: "Spence, Samara (ENRD)" <Samara.Spence@usdoj.gov>
To: "Dubois, Roland" <Dubois.Roland@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>
Cc: "Bell, Lisa (ENRD)" <Lisa.Bell@usdoj.gov>
Subject: ACE - Annotated Reply Briefs

Roland,

As part of oral argument preparation, I converted the petitioners' reply briefs to Word files and added comments and questions for EPA. Could you go through these and annotate them as well? I'm interested in any thoughts you have, particularly any responses to petitioners' arguments not already in our response briefs. Some of my notes on the ACE and NBB briefs are part of my attempt to get to know these arguments better – I will also study our brief and the record.

Ex. 5 - Deliberative Process

As for timing, it would be great if you could get these back to me by next Monday. Please let me know if that is feasible.

Best,

Samara

To: Dubois, Roland[Dubois.Roland@epa.gov]
Cc: Burkholder, Dallas[burkholder.dallas@epa.gov]; Michaels, Lauren[Michaels.Lauren@epa.gov]
From: Le, Madison
Sent: Sat 3/18/2017 1:40:20 PM
Subject: Fwd: From Greenwire -- EPA: Numbers game at heart of high-stakes ethanol fight
[image001.jpg](#)
[ATT00001.htm](#)
[image002.jpg](#)
[ATT00002.htm](#)
[OPIS comment letter on POO.pdf](#)
[ATT00003.htm](#)

Adding Dallas and Lauren.

We are aware of OPIS comments. The three of us talked briefly about this and were planning to schedule a call with OPIS to follow up. We pulled up the emails from OPIS and at the time they had informed us the data they provided was only a subset, which we stated in the proposed denial document and memo to the docket. However, in their comments now, they are saying we mis-interpreted the information they provided. We don't think the comments are that bad; they simply want to clear the air to clarify the data set and offered a follow up discussion to explain the data.

Dallas - has this been brought up to Ben or the larger team yet?

Lauren - can you send David the OPIS comments?

Let's add this to the Tuesday fuels team meeting for discussion.

Sent from my iPhone

Begin forwarded message:

From: "Dubois, Roland" <Dubois.Roland@epa.gov>
Date: March 18, 2017 at 7:32:27 AM EDT
To: "Le, Madison" <Le.Madison@epa.gov>
Subject: Fw: From Greenwire -- EPA: Numbers game at heart of high-stakes ethanol fight

Madison, just copying you, FYI, on an earlier email exchange about the article and the OPIS letter. I just noticed this chain also included Dallas.

From: Dubois, Roland
Sent: Saturday, March 18, 2017 7:19 AM
To: Orlin, David; Burkholder, Dallas

Cc: Li, Ryland (Shengzhi)

Subject: Re: From Greenwire -- EPA: Numbers game at heart of high-stakes ethanol fight

Attached

From: Orlin, David

Sent: Friday, March 17, 2017 4:42 PM

To: Burkholder, Dallas

Cc: Dubois, Roland; Li, Ryland (Shengzhi)

Subject: RE: From Greenwire -- EPA: Numbers game at heart of high-stakes ethanol fight

I hadn't heard about the OPIS comments on the proposed POO denial—do you have a copy handy to send around?

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Spence, Samara (ENRD) [<mailto:Samara.Spence@usdoj.gov>]

Sent: Friday, March 17, 2017 4:22 PM

To: Dubois, Roland <Dubois.Roland@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Cc: Bell, Lisa (ENRD) <Lisa.Bell@usdoj.gov>

Subject: FW: From Greenwire -- EPA: Numbers game at heart of high-stakes ethanol fight

Roland and David – In case you haven't seen it, here's a new article on RFS. It also links to a letter on RFS that 23 Senators recently sent to the President.

Samara

[REDACTED]

To: Li, Ryland (Shengzhi)[Li.Ryland@epa.gov]
Cc: Dubois, Roland[Dubois.Roland@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Bell, Lisa (ENRD)
Sent: Fri 3/10/2017 10:55:46 PM
Subject: Valero--First draft MTD
Valero--First draft MTD (3.10.17).docx

Hi Ryland,

As promised, attached is the first draft of the Valero MTD. A few notes:

Ex. 6 - Personal Privacy

Thank you!

Lisa

Lisa Bell

Trial Attorney

United States Department of Justice

Environmental Defense Section

Ex. 6 - Personal Privacy

Lisa.Bell@usdoj.gov

Ex. 5 - Attorney Client Attorney Work Product

From: King, Kevin [mailto:KKing@cov.com]

Sent: Thursday, March 09, 2017 10:54 AM

To: leannjohnson@perkinscoie.com; emiller@perkinscoie.com; Jacobi, Patrick R. (ENRD) <PJacobi@ENRD.USDOJ.GOV>; Spence, Samara (ENRD) <SSpence@ENRD.USDOJ.GOV>; lisa.jaeger@bracewelllaw.com; richard.alonso@bracewelllaw.com; brittany.pemberton@bracewelllaw.com; clara@airandclimatelaw.com; ddebruin@jenner.com; mprice@jenner.com; tlorenzen@crowell.com; dchung@crowell.com; rmeyers@crowell.com; bryan.killian@morganlewis.com; sfranco@biodiesel.org

Cc: Long, Robert <rlong@cov.com>

Subject: Coffeyville Resources Refining & Marketing, LLC et al. v. EPA, No. 17-1044 (D.C. Cir.) - Consent for Motion for Leave to Intervene

Counsel-

American Petroleum Institute intends to file a motion for leave to intervene in *Coffeyville Resources Refining & Marketing, LLC et al. v. EPA*, No. 17-1044, and the other consolidated cases now pending before the D.C. Circuit. A draft copy of the motion is attached.

Please let Bob Long and me know whether your client(s) consent to the motion.

Thanks,

Kevin King

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5488 | kking@cov.com
www.cov.com

COVINGTON

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

To: OGC ARLO[OGC_ARLO@epa.gov]
From: Graham, Cheryl
Sent: Mon 3/6/2017 12:08:05 PM
Subject: 03/06/17 Reg Review Agenda Updates
17-03-06 agenda.docx

Attached is the strikeout version of the reg agenda, if you have any additions/deletions please let me know by 11:00 Tuesday. Reg Review/Hot Issues has been rescheduled for Friday (3/10) at 10:00am in room 4045.

Thank you

Cheryl R. Graham
OGC/ARLO
(202) 564-5473

To: Reid, Lauren[Reid.Lauren@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]; Bell, Lisa (ENRD)[Lisa.Bell@usdoj.gov]
From: Li, Ryland (Shengzhi)
Sent: Wed 2/22/2017 7:39:54 PM
Subject: FW: Valero (ND Tex) -- MTD Argument Outline
Valero (N.D. Tex. No. 17-00004)--Draft MTD Argument Outline.docx

Lauren,

This is to pass on the outline from Lisa. Please let us know what you think.

Ryland

From: Bell, Lisa (ENRD) [mailto:Lisa.Bell@usdoj.gov]
Sent: Tuesday, February 21, 2017 6:29 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Dubois, Roland <Dubois.Roland@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Valero (ND Tex) -- MTD Argument Outline

Hi all,

Attached for your review is the first draft of the argument outline for the *Valero* mandatory duty suit. It's still rough. Please excuse any typos!

I put some notes for your consideration in the text of the outline in italics. Please let me know if you have any questions or comments. I am happy to discuss, or refine or add to this if that would be helpful for your deliberations.

Thanks!

Lisa

Lisa Bell

Trial Attorney

United States Department of Justice

Environmental Defense Section

Ex. 6 - Personal Privacy

Lisa.Bell@usdoj.gov

To: OGC ARLO[OGC_ARLO@epa.gov]
From: Jordan, Scott
Sent: Wed 2/22/2017 1:39:29 PM
Subject: Reg Review/Deadlines List - Deadlines in Elliott's Group
17-02-20 agenda.docx

To folks handling matters within Elliott's group -

If you have any new deadlines that fall within the next 3 weeks, or if any deadlines within the next three weeks change today or tomorrow, please provide the new/changed information to Cheryl, and cc me.

Thanks,

Scott Jordan
Air and Radiation Law Office
Office of General Counsel
202-564-7508

-----Original Message-----

From: Graham, Cheryl
Sent: Wednesday, February 22, 2017 8:25 AM
To: OGC ARLO <OGC_ARLO@epa.gov>
Cc: Hooks, Samantha <hooks.samantha@epa.gov>; Motley, Judy <motley.judy@epa.gov>
Subject: Reg Review/Hot Issues is scheduled for 10:15 am today in room 4045 (final agenda attached)

Conference Call Number: 1-866-299-3188/access code is 2025645559 – Leader PIN 1010

Cheryl R. Graham

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
Cc: Prabhu, Aditi[Prabhu.Aditi@epa.gov]; Schmidt, Lorie[Schmidt.Lorie@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Lee, Michael[lee.michaelg@epa.gov]; Orlin, David[Orlin.David@epa.gov]; McConkey, Diane[Mcconkey.Diane@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]; Siciliano, CarolAnn[Siciliano.CarolAnn@epa.gov]
From: Stahle, Susan
Sent: Wed 2/15/2017 5:22:24 PM
Subject: Information requested on delaying effective date of CAA rules and reasons to allow RFS rule to become effective
[Options for Further Delay of CAA Rules - 021517.docx](#)
[RFS Rule - Reasons to Let it Become Effective March 21.docx](#)
[Pruitt testimony excerpts.docx](#)

Hi Kevin –

Attached are three documents containing the information you requested during our Hot Issues meeting today:

1. A briefing paper on further delaying the effective date of two rules subject to CAA section 307(d) (the RFS Rule and the RMP Rule).
2. A paper containing reasons why the RFS Rule should be allowed to become effective on March 21.
3. Excerpts from Scott Pruitt's confirmation hearing transcripts regarding statements about the RFS program.

Please let me know if you have any questions or need more information.

Thanks,

Susan Stahle

Attorney-Advisor

Air and Radiation Law Office

Office of General Counsel

U.S. Environmental Protection Agency

202-564-1272 (ph)

202-564-5603 (fax)

stahle.susan@epa.gov

To: Orlin, David[Orlin.David@epa.gov]; Lipshultz, Jon (ENRD)[Jon.Lipshultz@usdoj.gov]
Cc: Dubois, Roland[Dubois.Roland@epa.gov]
From: Spence, Samara (ENRD)
Sent: Tue 2/14/2017 9:09:25 PM
Subject: RE: RFS petitions for review coming today
[Petition - Valero \(17-1047\).pdf](#)

Hi Jack,

We have one more petition, this one from Valero (17-1047). The court has now consolidated all 6 petitions under the Coffeerville petition (17-1044).

Samara

From: Orlin, David [mailto:Orlin.David@epa.gov]
Sent: Tuesday, February 14, 2017 11:29 AM
To: Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>
Cc: Bell, Lisa (ENRD) <LBell@ENRD.USDOJ.GOV>; Dubois, Roland <Dubois.Roland@epa.gov>; Spence, Samara (ENRD) <SSpence@ENRD.USDOJ.GOV>
Subject: RE: RFS petitions for review coming today

Great, thanks!

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Lipshultz, Jon (ENRD) [mailto:Jon.Lipshultz@usdoj.gov]
Sent: Tuesday, February 14, 2017 11:23 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Bell, Lisa (ENRD) <Lisa.Bell@usdoj.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Spence, Samara (ENRD) <Samara.Spence@usdoj.gov>
Subject: RE: RFS petitions for review coming today

David and Roland – I wanted to let you know that we are going to assign the 2017 RFS cases to Samara. Lisa will not be working on the 2017 case but we are going to assign someone else to work with Samara on it. That part of the assignment is still pending, however. For now, please coordinate any 2017 RFS inquiries with Samara and I will let you know when we round out the team. Thanks. Jack cc Lisa, Samara

From: Orlin, David [<mailto:Orlin.David@epa.gov>]
Sent: Monday, February 13, 2017 4:39 PM
To: Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>
Cc: Bell, Lisa (ENRD) <LBell@ENRD.USDOJ.GOV>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: RFS petitions for review coming today

Hi Jack,

So far I count 5 petitions (API, AFPM, Coffeyville, Alon, and NBB), with at least 2 scheduling orders (API and Coffeyville).

Let us know if you would like copies of any of the petitions.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Lipshultz, Jon (ENRD) [<mailto:Jon.Lipshultz@usdoj.gov>]
Sent: Friday, February 10, 2017 8:26 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Bell, Lisa (ENRD) <Lisa.Bell@usdoj.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: Re: RFS petitions for review coming today

Ok - thanks for the heads up. Jack

Sent from my iPhone

On Feb 10, 2017, at 7:57 AM, Orlin, David <Orlin.David@epa.gov> wrote:

Jack,

FYI, we are expecting to get petitions for review on the 2017 RFS rule today. NBB has apparently already reached out to the program and suggested they would be willing to stay this litigation until the pending litigation on the 2014-2016 RFS rule is resolved (which makes sense to me, but everything needs review these days). Roland Dubois would staff the petition for us.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland
Sent: Thursday, February 9, 2017 4:56 PM
To: Argyropoulos, Paul; Hengst, Benjamin; Orlin, David; Machiele, Paul; Simon, Karl; Grundler, Christopher; Burkholder, Dallas; Korotney, David
Subject: RE: Heads up from NBB

Ex. 5 - Deliberative Process

From: Argyropoulos, Paul
Sent: Thursday, February 9, 2017 2:57 PM
To: Dubois, Roland <Dubois.Roland@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>;

Korotney, David <korotney.david@epa.gov>

Subject: Heads up from NBB

Ex. 5 - Deliberative Process


Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile:  Ex. 6 - Personal Privacy

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

To: Lipshultz, Jon (ENRD)[Jon.Lipshultz@usdoj.gov]
Cc: Bell, Lisa (ENRD)[Lisa.Bell@usdoj.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Mon 2/13/2017 10:25:32 PM
Subject: RE: RFS petitions for review coming today
[Courtlink Document US APP CADC 17-1045 02.09.2017 \(Peition for Review\).pdf](#)
[Courtlink Document US APP CADC 17-1044 02.09.2017 \(Peition for Review\).pdf](#)
[Courtlink Document US APP CADC 17-1052 02.10.2017 \(Peition for Review\).pdf](#)
[Courtlink Document US APP CADC 17-1051 02.10.2017 \(Peition for Review\).pdf](#)

Sure, here you go.

thanks

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Lipshultz, Jon (ENRD) [mailto:Jon.Lipshultz@usdoj.gov]
Sent: Monday, February 13, 2017 5:19 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Bell, Lisa (ENRD) <Lisa.Bell@usdoj.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: RFS petitions for review coming today

Thanks David. I noticed that on PACER last time I checked but had not downloaded the petitions other than API yet. If you have them handy and can forward them it might save me a few minutes. We hope to get this assigned in the next day or two. Thanks. Jack

From: Orlin, David [mailto:Orlin.David@epa.gov]
Sent: Monday, February 13, 2017 4:39 PM
To: Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>
Cc: Bell, Lisa (ENRD) <LBell@ENRD.USDOJ.GOV>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: RFS petitions for review coming today

Hi Jack,

So far I count 5 petitions (API, AFPM, Coffeyville, Alon, and NBB), with at least 2 scheduling orders (API and Coffeyville).

Let us know if you would like copies of any of the petitions.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Lipshultz, Jon (ENRD) [<mailto:Jon.Lipshultz@usdoj.gov>]
Sent: Friday, February 10, 2017 8:26 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Bell, Lisa (ENRD) <Lisa.Bell@usdoj.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: Re: RFS petitions for review coming today

Ok - thanks for the heads up. Jack

Sent from my iPhone

On Feb 10, 2017, at 7:57 AM, Orlin, David <Orlin.David@epa.gov> wrote:

Jack,

FYI, we are expecting to get petitions for review on the 2017 RFS rule today. NBB has apparently already reached out to the program and suggested they would be willing to stay this litigation until the pending litigation on the 2014-2016 RFS rule is resolved (which makes sense to me, but everything needs review these days). Roland Dubois would staff the petition for us.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland

Sent: Thursday, February 9, 2017 4:56 PM

To: Argyropoulos, Paul; Hengst, Benjamin; Orlin, David; Machiele, Paul; Simon, Karl; Grundler, Christopher; Burkholder, Dallas; Korotney, David

Subject: RE: Heads up from NBB

I'm guessing what they mean is they will sue us on the 2017/18 rule, and then seek a stay of the litigation pending resolution of the challenge to the 2014-16 rule. If they are going to sue us (I guess that is a given with NBB), this type of approach would make a lot of sense. But let's see what they actually file.

From: Argyropoulos, Paul

Sent: Thursday, February 9, 2017 2:57 PM

To: Dubois, Roland <Dubois.Roland@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Korotney, David <korotney.david@epa.gov>

Subject: Heads up from NBB

Ex. 5 - Deliberative Process

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Ex. 6 - Personal Privacy

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

To: Spence, Samara (ENRD)[Samara.Spence@usdoj.gov]; Bell, Lisa (ENRD)[Lisa.Bell@usdoj.gov]
Cc: Dubois, Roland[Dubois.Roland@epa.gov]; Li, Ryland (Shengzhi)[Li.Ryland@epa.gov]; Stahle, Susan[Stahle.Susan@epa.gov]
From: Orlin, David
Sent: Thur 12/22/2016 4:47:22 PM
Subject: Re: NBD v. EPA - Positive Decision
ENV DEFENSE-#791505-v1-ACE - Draft - EPA 28(j) Ltr - NBB v EPA +do.docx

Ex. 5 - Deliberative Process

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Spence, Samara (ENRD) <Samara.Spence@usdoj.gov>
Sent: Thursday, December 22, 2016 10:35:19 AM
To: Orlin, David; Bell, Lisa (ENRD)
Cc: Dubois, Roland; Li, Ryland (Shengzhi)
Subject: RE: NBD v. EPA - Positive Decision

David and Roland,

Congratulations on your great win! We agree that this would make a useful 28(j) letter. Not only did Judge Tatel provide a beautifully concise statement on when a constructive reopening occurs, but he rejected a belated challenge to another portion of the same 2010 rulemaking.

Please take a look at the attached draft 28(j) letter. With our 350 word limit, we have room to add another sentence if really necessary, but I prefer to be as concise as possible. The court will refer to the opinion itself and our original brief for any background information or more specific arguments.

Samara

From: Orlin, David [<mailto:Orlin.David@epa.gov>]
Sent: Wednesday, December 21, 2016 8:25 AM
To: Bell, Lisa (ENRD) <LBell@ENRD.USDOJ.GOV>; Spence, Samara (ENRD) <SSpence@ENRD.USDOJ.GOV>
Cc: Dubois, Roland <Dubois.Roland@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: FW: NBD v. EPA - Positive Decision

Lisa and Samara,

As you may have heard, Perry had a good win for us yesterday on an RFS case. I wanted to flag that one of there's a good discussion of the reopener doctrine (pp.10-11). I don't think it's anything particularly new but it's a cogent discussion that I think supports our case (at least it sounded very familiar to me). In light of that (and the fact it's a RFS case, although the subject matter is far removed from annual standards), I thought I'd check in to see if we should consider a 28j letter at some point?

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Rosen, Perry (ENRD) [<mailto:Perry.Rosen@usdoj.gov>]
Sent: Tuesday, December 20, 2016 10:43 AM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: NBD v. EPA - Positive Decision

Sue and Dave,

We won. I have not read it yet as I just received it but I wanted to send it along right away.

Perry

Perry M. Rosen

United States Dept. of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, DC 20044

Ex. 6 - Personal Privacy

perry.rosen@usdoj.gov

Address for Overnight Mail

601 D Street, NW

Suite 8000

Washington, D.C. 20004

To: Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Wed 12/14/2016 6:21:59 AM
Subject: RE: ACE
[ACE--Front office brief \(12.8.16\)RD12-13 +DO on bbd only.docx](#)
[ACE--Front office brief \(12.8.16\)RD12-13+do.docx](#)

Ex. 5 - Deliberative Process

I took a quick look at Ryland's comments and I leave it up to you to decide what to do with them, but in particular I would not worry about passing on bluebook cites (unless you want to?)—I expect they have a paralegal cite checking right now and they will decide what they need to do on those.

Let me know if you'd like to discuss any of these (we never really got to close the loop on the last round, so there may be some of those you want to discuss).

Thanks!

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland

Sent: Wednesday, December 14, 2016 12:34 AM
To: Orlin, David <Orlin.David@epa.gov>
Subject: ACE

Not sure how fast you are reading, but in any event am sending along a version that has my comments through the end of the BBD section, middle of page 105.

To: Bell, Lisa (ENRD)[Lisa.Bell@usdoj.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
Cc: Spence, Samara (ENRD)[Samara.Spence@usdoj.gov];
Hooper/Dubois[hooperdubois@mcttelecom.com]
From: Orlin, David
Sent: Thur 12/8/2016 5:47:28 PM
Subject: RE: ACE--New draft brief
ACE--Draft merits brief (DOJ 12.6.16) + EPA comments .docx

Hi Lisa and Samara,

Thanks so much for all the work on this—I won't bother singing the praises of the brief because I am already late getting this back to you but it's very impressive. Attached are a few comments for consideration. Please note that Roland is at some training today and tomorrow, but if you reply all he may be able to check email, or I should be around more or less.

Thanks again,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Bell, Lisa (ENRD) [mailto:Lisa.Bell@usdoj.gov]
Sent: Wednesday, December 07, 2016 5:47 PM
To: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Cc: Spence, Samara (ENRD) <Samara.Spence@usdoj.gov>
Subject: RE: ACE--New draft brief

Hi all,

I'm sorry to do this, but we've been given an accelerated timeline on getting the brief to our front office by tomorrow late afternoon. So, we would very much appreciate your additional comments a few hours earlier - by tomorrow at noon - so they can be included in our front-office review. Apologies for the late notice.

Thanks,

Lisa

From: Bell, Lisa (ENRD)

Sent: Tuesday, December 06, 2016 7:21 PM

To: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

Cc: Spence, Samara (ENRD) <SSpence@ENRD.USDOJ.GOV>

Subject: ACE--New draft brief

Hi all,

Thanks again for all your help with this brief. Attached is the newest version. We will be getting this to our front office by Friday, 12/9, so need all comments by Thursday afternoon at the latest. Also, we are at the word limit, so cannot add any additional text without deleting some elsewhere.

Generally, we did our best to incorporate all comments to date, mindful of the words. I think Samara may have some additional explanations about her comments (or maybe not, I'm too many drafts in to remember!), and may send those details via email later.

Really, thanks so much for all your work on this. Please let us know if you have any questions. Getting close!

Lisa

Lisa Bell

Trial Attorney

United States Department of Justice

Environmental Defense Section

Ex. 6 - Personal Privacy

Lisa.Bell@usdoj.gov

To: Li, Ryland (Shengzhi)[Li.Ryland@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Wed 12/7/2016 8:30:14 PM
Subject: RE: Dubois, Roland has shared 'ACE--Draft merits brief (DOJ 12.6.16)'
ACE--Draft merits brief (redline DOJ 12.6.16 vs 11.30).docx

In case it's helpful, here's the redline showing changes in this brief as compared to the last one they sent us (so changes they accepted from us show as new, changes they rejected from us don't show at all)

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Li, Ryland (Shengzhi)
Sent: Wednesday, December 07, 2016 2:45 PM
To: Dubois, Roland <Dubois.Roland@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: RE: Dubois, Roland has shared 'ACE--Draft merits brief (DOJ 12.6.16)'

Roland,

For some reason, Word keeps crashing on me when I try to edit this file. So I will send you my one suggestion.

On page 57, we say “Contrary to Petitioners’ ‘paper’ analogy, ACEI Br. 15, EPA does interpret this text to mean that renewable fuels do not exist until they are used....”

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Regards,

Ryland

Ryland (Shengzhi) Li

Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office

tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7353K

mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460

From: Dubois, Roland

Sent: Wednesday, December 07, 2016 8:59 AM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Korotney, David <korotney.david@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Audette, Lucie <audette.lucie@epa.gov>; Lie, Sharyn <Lie.Sharyn@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>




Cc: Dubois, Roland <Dubois.Roland@epa.gov>

Subject: Dubois, Roland has shared 'ACE--Draft merits brief (DOJ 12.6.16)'

Attached is the latest draft of our brief in the challenge to the 2014-16 RFS rule. Please try to add your comments by 6 pm today (Wednesday the 7th) , or let me know if more time is needed. Please be mindful that we are at the word limit, so additions need to be balanced with cuts. DOJ has indicated that they do not wish to make "substantial" changes at this point, but we can wordsmith and push back if necessary.

Open ACE--Draft merits brief (DOJ 12.6.16).docx

See more related to [Dubois, Roland](#) in Delve.

Get the OneDrive mobile app! Available for  |  | 

To: Audette, Lucie[audette.lucie@epa.gov]; Manners, Mary[manners.mary@epa.gov]; Anderson, Robert[Anderson.Robert@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]; Stahle, Susan[Stahle.Susan@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Sutton, Tia
Sent: Wed 12/7/2016 5:15:31 PM
Subject: For your review- OTAQ Petitions Tracker
[OTAQ Petitions Tracker as of 12-7-16.xlsx](#)

Hi all,

Just trying to keep current on our OTAQ Petitions Tracker to make sure we have items classified correctly (and that we have everything in). No rush on this at this point, but please take a look when you get a chance and let me know if you have any edits.

Thanks!

-Tia

To: Dubois, Roland[Dubois.Roland@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Schmidt, Lorie
Sent: Mon 12/5/2016 7:42:01 AM
Subject: Fwd: RFS Brief
ACE--Draft merits brief (11.30.16) LJS.docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Lorie Schmidt <LorieJSchmidt@hotmail.com>
Date: December 5, 2016 at 2:39:01 AM EST
To: "schmidt.lorie@epa.gov" <schmidt.lorie@epa.gov>
Subject: RFS Brief

Roland and David,

I read the first 80 or so pages of our brief and the other side's argument that we are saying "supply" means "demand." I thought they had the easier argument, but I thought our brief on that point was quite good -- which is an impressive accomplishment!

I had a few comments for you to think about that I wrote up in bubble comments (I did not do just line edits anywhere -- i always included a bubble comment).

Ex. 6 - Personal Privacy

Lorie

To: Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Sat 12/3/2016 10:41:51 PM
Subject: RE: ACE - paper analogy
ACE--Draft merits brief (11.30.16) (DO 12-3).docx

So I am done. Not quite noon. I think sharepoint worked fine (except you will see a couple of bubbles where it made me resolve conflicts and I think I did it wrong), but to be on the safe side I saved a hard copy and am attaching it. I hope my comments are helpful (some may be more or less helpful).

Thanks so much for all your dedication and work on this. I am feeling pretty good about the brief (although of course next draft will be the most important)—hope you are too. I had a weird sense of déjà vu this weekend because it reminded me very much of all the hours working on the rule last year.

I'll more or less be around or on email if you want me but it might have to be an early night (and/or I might not be thinking straight).

Take care and thanks again,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland
Sent: Saturday, December 03, 2016 2:10 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: Re: ACE - paper analogy

no problem. I am also behind schedule.

From: Orlin, David
Sent: Saturday, December 3, 2016 2:00 PM
To: Dubois, Roland
Subject: RE: ACE - paper analogy

I finished section I, so a little over half way though, and unfortunately I have to run an errand. Should be back in a half hour or so. Sorry for the delay, but for what it's worth I don't plan on going back to earlier sections.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland
Sent: Saturday, December 03, 2016 10:47 AM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: Re: ACE - paper analogy

Thanks Dave. I like those edits.

I don't think you will be messing in any way with my schedule; I am still making my way through the brief and do not expect to circle back to review and consolidate others' comments for several hours. (Though my intent is still to get something to DOJ by this evening if possible.) Thanks for offering to let me know when you are done. That will be helpful to know.

From: Orlin, David
Sent: Saturday, December 3, 2016 10:02 AM
To: Dubois, Roland; Li, Ryland (Shengzhi); Machiele, Paul; Burkholder, Dallas
Subject: RE: ACE - paper analogy

Thanks Roland. I like this and think it would be good for us to respond to the analogy (or at least offer something to DOJ for use in responding). I do think it would be better if our analogy didn't require the hypothesis of supplying to a remote Nepalese village, so I've tried to recast it a bit in the attached (for what it's worth, my own sense is it would be better if we had a more broadly applicable example that might be slightly less analogous vs a narrower hypo that matches better).

PS I am going to start putting some edits in now—not sure how long it will take so feel free to check in if I am messing with your schedule. Otherwise I'll try to be done as quickly as I can and let you know when I am through.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland

Sent: Saturday, December 03, 2016 8:48 AM

To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>;
Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>

Subject: ACE - paper analogy

I think we should add something to the brief in response to the paper analogy on page 15-16 of the ACE brief. Any thoughts on the attached as a possible insert?

To: Dubois, Roland[Dubois.Roland@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]
From: Li, Ryland (Shengzhi)
Sent: Fri 12/2/2016 10:01:22 PM
Subject: RFS brief comments; thoughts re paper analogy
ACE--Draft merits brief (11.30.16) cRSL 20161202 1700.docx

Roland,

Attached please find my comments on the brief. Three notes:

1. Paper analogy. You said you were likely going to comment on this, so I have not. But I have a thought. Perhaps you could integrate my thought into your comment as you see fit.

The analogy appears fallacious. Contrary to ACEI's representations, EPA is not saying that biofuel "magically transforms" into "renewable fuel" when it is used. ACEI Br. 15. Actually, for purposes of this issue, EPA is not construing the term "renewable fuel" at all.

Rather, EPA is construing the term "supply," and saying that biofuel does not become part of the "supply" of "renewable fuel" used to replace fossil fuels until it is provided to the ultimate consumer. Going back to the paper analogy, if the statutory purpose is to increase the amount of paper used to replace plastic (for example), EPA's reading means that paper does not become part of the "supply" of "paper" used to replace plastic until it is provided to the ultimate consumer. This is a reasonable construction of the term "supply."

I agree with you, Roland, that we should respond to this analogy, or at least offer an analogy of our own (one of which I suggested in the last round of comments). Otherwise, I think that the mere fact that ACEI uses a

colorable analogy -- and we don't use any -- makes us look less persuasive.

2. FRAP amendments. FYI the federal appellate rules got amended yesterday, and I have revised several citations in the Certificate of Compliance to reflect that.

3. Quotation errors. I've made several revisions to fix quotations that don't conform to the source. For some reason, DOJ rejected the one quotation fix I made last time (and I've made it again, because the brief doesn't quote the source correctly). If I should stop doing this type of edit for the future, please let me know.

Thanks!

Regards,

Ryland

Ryland (Shengzhi) Li

Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office

tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7353K

mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460

To: Prabhu, Aditi[Prabhu.Aditi@epa.gov]
Cc: Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]; Li, Ryland (Shengzhi)[Li.Ryland@epa.gov]
From: Orlin, David
Sent: Fri 12/2/2016 4:54:07 PM
Subject: FW: ACE--Newest draft merits brief
ACE--Draft merits brief (11.30.16).docx

Aditi,

Per my voicemail, here is the current version of the RFS 2014-2016 brief. We expect a new and improved version by Weds. morning but I think for the most part it will reflect tweaks not substantial changes so if you or Ethan would like to start taking a look at it now I don't think it would be wasted time.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Bell, Lisa (ENRD) [mailto:Lisa.Bell@usdoj.gov]
Sent: Wednesday, November 30, 2016 10:31 AM
To: Dubois, Roland <Dubois.Roland@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Spence, Samara (ENRD) <Samara.Spence@usdoj.gov>
Subject: ACE--Newest draft merits brief

Hi Roland and David,

Thanks again for all of your great comments and edits from the last round. Attached is the newest draft merits brief we sent to our manager for review, for comments back by the end of this week. We'd like to have all EPA comments, including comments from Lorie, by the end of this week, so that we can turn around another draft for DOJ upper level management review. We plan on getting a draft for front office review by Monday the 12th.

Thanks,

Lisa

Lisa Bell

Trial Attorney

United States Department of Justice

Environmental Defense Section

Ex. 6 - Personal Privacy

Lisa.Bell@usdoj.gov

To: Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Tue 11/29/2016 4:33:51 PM
Subject: RE: point of obligation response
[proposed denial of point of obligation petitions.pdf](#)

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Srinivasan, Gautam
Sent: Tuesday, November 29, 2016 11:28 AM
To: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: point of obligation response

Can one of you send me the final response on point of obligation? Thanks.

+++++

202-564-5647 (o)

202-695-6287 (c)

To: Dubois, Roland[Dubois.Roland@epa.gov]; Stahle, Susan[Stahle.Susan@epa.gov]; Orlin, David[Orlin.David@epa.gov]
Cc: Burkholder, Dallas[burkholder.dallas@epa.gov]
From: Sutton, Tia
Sent: Wed 11/16/2016 12:33:10 AM
Subject: RE: Draft response to small refinery coalition comments in RVO rule RTC
[2017 RVO FRM screening analysis memo to docket.docx](#)
[RFS RTC Sec 7.4.docx](#)

Hi all,

Ex. 5 - Deliberative Process

So I've attached a new version of Section 7.4 here, **Ex. 5 - Attorney Client**

Ex. 5 - Attorney Client

This is the same as what's on Sharepoint, but sending to you as a stand-alone in case that's easier to work with. I've also attached the screening analysis memo in case it's helpful.

Thanks,

Tia

From: Dubois, Roland
Sent: Monday, November 14, 2016 2:49 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: Re: Draft response to small refinery coalition comments in RVO rule RTC

Ex. 5 - Attorney Client

From: Sutton, Tia
Sent: Monday, November 14, 2016 1:20 PM
To: Dubois, Roland; Stahle, Susan; Orlin, David
Cc: Burkholder, Dallas

Subject: Draft response to small refinery coalition comments in RVO rule RTC

Hi all,

Just flagging that I started on a draft of the response to the small refinery coalition's comments regarding the screening analysis & small refinery hardship in Section 7.4 of the RTC – it's on the Sharepoint site, but I've also attached here in case that's easier (also, wasn't sure if Sue had access to the Sharepoint site, [REDACTED] Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Since we're not quite done with the actual numbers in the screening analysis memo, I tried to keep this at a high level [REDACTED] Ex. 5 - Attorney Client But I wanted to get this draft in your hands now for review to see if this is on the right track, or if we need to say something totally different here.

I've also attached the Coalition's full comments here as well. Much of their comment focuses on POO (which is handled elsewhere in the RTC), but I'm wondering if we need to also include more of the comment in the RTC, or if the summary adequately captures their concerns.

Thanks,

Tia

To: Burkholder, Dallas[burkholder.dallas@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
From: Hengst, Benjamin
Sent: Tue 11/8/2016 8:58:17 PM
Subject: RE: POO Petition Response 11 7 16jm.docx
POO Petition Response 11 8 16.docx

Here is the current version

From: Burkholder, Dallas
Sent: Tuesday, November 08, 2016 3:42 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: POO Petition Response 11 7 16jm.docx

Good catch. I thought Madison had removed these from the document but I guess not. I have removed the IRS document from the docket. Can you send me the current version of the document and I'll remove the IRS references and send it back.

From: Hengst, Benjamin
Sent: Tuesday, November 08, 2016 3:36 PM
To: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: RE: POO Petition Response 11 7 16jm.docx

Thanks. Looks good.

Dallas—I know Madison said you two had coordinated, but all the references to the IRS are kosher, right? We still have references in there, and I want to make sure we aren't stepping over the line they are drawing.

Ex. 5 - Attorney Client

From: Burkholder, Dallas

Sent: Tuesday, November 08, 2016 10:01 AM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Machiele, Paul
<machiele.paul@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Dubois, Roland
<Dubois.Roland@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Cc: Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>

Subject: RE: POO Petition Response 11 7 16jm.docx

I made changes based on Janet's comments in the attached version.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

From: Hengst, Benjamin

Sent: Tuesday, November 08, 2016 5:52 AM

To: Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Cc: Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>

Subject: Fw: POO Petition Response 11 7 16jm.docx

Dallas, Roland, and team:

Janet asked last night that I send her the current POO decision doc. She made some edits/comments and sent it back--see below. By and large her comments look good/helpful.

She has a few suggestions/questions. Dallas, can you take the lead on responding?

Ex. 5 - Attorney Client

Thanks

Ben

From: McCabe, Janet

Sent: Monday, November 7, 2016 10:33 PM

To: Hengst, Benjamin; Grundler, Christopher

Subject: POO Petition Response 11 7 16jm.docx

Here are my comments—not that many—and mostly in the first few pages, with a couple of minor things later on. Probably my most significant comment is that in the Executive Summary and then in the introduction, we give lots of reasons why we are proposing to deny, but the one

thing we don't mention is our disagreement with petitioners' claims that they are adversely affected compared to integrated refiners or other stakeholders in terms of compliance costs. We spend a bunch of time on that issue in Section II C and D, and we ought to mention it. (Otherwise it comes across that all we care about is whether the program works better, not whether companies are having to lay off workers, etc.).

The bulk of the document looks great to me.

Also, to the extent I've suggested edits here to language that's also included in the FR notice, the edits should be made there as well.

We can chat tomorrow.

To: Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Tue 11/8/2016 7:44:46 PM
Subject: finalizing POO, take 2
POO Petition Response 11 7 16jm DB do rev.docx

Roland,

I emailed earlier about the program trying to close out the POO, but at the end of a light duty meeting at noon Janet suggested we move the discussion of 307(d) petitions for reconsideration to a footnote because people are sensitive that this is a proposed denial. Can you look at the attached (not what I sent earlier) and see if it's ok? (note there is another, optional, edit from me, and a few relatively minor edits from Janet/Dallas.)

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

Ex. 5 - Attorney Client

From: Burkholder, Dallas
Sent: Tuesday, November 08, 2016 10:01 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: RE: POO Petition Response 11 7 16jm.docx

I made changes based on Janet's comments in the attached version.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

From: Hengst, Benjamin
Sent: Tuesday, November 08, 2016 5:52 AM
To: Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>
Subject: Fw: POO Petition Response 11 7 16jm.docx

Dallas Ex. 5 - Attorney Client and team:

Janet asked last night that I send her the current POO decision doc. She made some edits/comments and sent it back--see below. By and large her comments look good/helpful.

She has a few suggestions/questions. Dallas, can you take the lead on responding?

Ex. 5 - Attorney Client

Thanks

Ben

From: McCabe, Janet
Sent: Monday, November 7, 2016 10:33 PM
To: Hengst, Benjamin; Grundler, Christopher
Subject: POO Petition Response 11 7 16jm.docx

Here are my comments—not that many—and mostly in the first few pages, with a couple of minor things later on. Probably my most significant comment is that in the Executive Summary and then in the introduction, we give lots of reasons why we are proposing to deny, but the one thing we don't mention is our disagreement with petitioners' claims that they are adversely affected compared to integrated refiners or other stakeholders in terms of compliance costs. We spend a bunch of time on that issue in Section II C and D, and we ought to mention it. (Otherwise it comes across that all we care about is whether the program works better, not whether companies are having to lay off workers, etc.).

The bulk of the document looks great to me.

Also, to the extent I've suggested edits here to language that's also included in the FR notice, the edits should be made there as well.

We can chat tomorrow.

To: McCabe, Janet[McCabe.Janet@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]; Schmidt, Lorie[Schmidt.Lorie@epa.gov]
Cc: Grundler, Christopher[grundler.christopher@epa.gov]
From: Hengst, Benjamin
Sent: Fri 11/4/2016 6:51:48 PM
Subject: RE: Valero NOI

Just FYI—we did have a heads-up this was coming. Didn't know exact timing, but they've been talking about this for a while. I mentioned it to David last week or so but forgot to mention it to others.

From: McCabe, Janet
Sent: Friday, November 04, 2016 11:51 AM
To: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: FW: Valero NOI

How timely.

From: Alonso, Rich [mailto:Rich.Alonso@bracewelllaw.com]
Sent: Friday, November 04, 2016 11:43 AM
To: McCabe, Janet <McCabe.Janet@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Valero NOI

Please find attached Valero's Notice of Intent to Sue on the issue of Point of Obligation, which was mailed today.

Rich

RICH ALONSO
Partner
Rich.Alonso@bracewelllaw.com

T: +1.202.828.5861 | F: +1.800.404.3970 | M: +1.703.314.2247

BRACEWELL LLP

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

CONFIDENTIALITY STATEMENT

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

To: Dubois, Roland[Dubois.Roland@epa.gov]; Reid, Lauren[Reid.Lauren@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Hengst, Benjamin
Sent: Fri 11/4/2016 6:10:01 PM
Subject: RE: POO Documents / UPDATE

Ok. I'll do that. I'll take care of it. thanks

From: Dubois, Roland
Sent: Friday, November 04, 2016 2:10 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Re: POO Documents / UPDATE

I vote for "those of others"

From: Hengst, Benjamin
Sent: Friday, November 4, 2016 2:03 PM
To: Reid, Lauren
Cc: Orlin, David; Dubois, Roland; Sutton, Tia
Subject: RE: POO Documents / UPDATE

Thanks, Lauren. I have two minor questions for this group:

First. This sentence, should the word "others" have an apostrophe (others')?? I think so, but I need another grammar-check. Or I guess we could change it to "...as well as those of others seeking..."

Second. Tia – what's the right URL to put in the XXXX spot?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Reid, Lauren

Sent: Friday, November 04, 2016 1:42 PM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: POO Documents / UPDATE

Here's another batch of the letters with **Ex. 5 - Attorney Client** the 60-day comment period reflected.

From: Hengst, Benjamin

Sent: Friday, November 04, 2016 8:57 AM

To: Dubois, Roland <Dubois.Roland@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: POO Documents / UPDATE

Lauren—can you pls keep pen on these and circulate a batch with appropriate edits? thanks

Ex. 5 - Attorney Client Deliberative Process

From: Reid, Lauren
Sent: Thursday, November 3, 2016 4:11 PM
To: Argyropoulos, Paul; Hengst, Benjamin; Machiele, Paul; Burkholder, Dallas; Dubois, Roland; Orlin, David; Sutton, Tia
Subject: RE: POO Documents / UPDATE

Here's new letters.

From: Argyropoulos, Paul
Sent: Thursday, November 03, 2016 12:47 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: POO Documents / UPDATE

Team,

Final closure and prep for routing. Launch Date in November 10.

- **Based on my continued pestering, David O. came up with some language that works for the FR notice summary that captures / consolidates what we are doing in the POO document. I've edited the FR notice, cleaned it up and attached it for our next steps.**
- **I've also gone back into the POO proposed decision document and made minor changes to make it consistent with the language in the revised FR. These changes are only in the summary section. The rest of the document remains unchanged.**

- Ben has the Rollout document and we will recirculate soon. We want to make sure it is consistent with the FR language. Only thing likely that needs changing is the first / primary key language.
- Dallas was completing the Typesetting request and will send to Tia when it's ready.
- NOTE: Once Lauren makes edits to the letters, we can ship them back around again.

Thanks, Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

To: Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Mon 10/31/2016 3:04:13 PM
Subject: FW: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Argyropoulos, Paul
Sent: Monday, October 31, 2016 10:54 AM
To: Dubois, Roland <Dubois.Roland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

Thanks, Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Argyropoulos, Paul

Sent: Thursday, October 27, 2016 10:11 AM

To: Dubois, Roland <Dubois.Roland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>

Cc: Orlin, David <Orlin.David@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>;

Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>;

Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>;

Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: POO FR Language and Response Document

Importance: High

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Argyropoulos, Paul

Sent: Thursday, October 27, 2016 9:38 AM

To: Dubois, Roland <Dubois.Roland@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>

Cc: Orlin, David <Orlin.David@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>;

Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>;

Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Erin.Birgfeld@epa.gov>;

Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: POO FR Language and Response Document

Erin and David.

In the spirit of these changes, I've updated the primary key message in the Roll out doc (attached). Erin, if you guys have made additional changes to the Roll out, please clean up and send around to Ben and I.

I'm moving on to the FR notice now to make sure it aligns with the text below. I'll then look toward the actual decision doc.

Thanks, Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

From: Dubois, Roland

Sent: Tuesday, October 25, 2016 11:40 AM

To: Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>

Cc: Orlin, David <Orlin.David@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Erin.Birgfeld@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: Re: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

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Sent: Monday, October 24, 2016 6:04 PM

To: Machiele, Paul

Cc: Dubois, Roland; Orlin, David; Burkholder, Dallas; Reid, Lauren; Hengst, Benjamin; Mylan, Christopher; Birgfeld, Erin; Richards, David; Sutton, Tia

Subject: Re: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

Paul Argyropoulos

Senior Policy Advisor

USEPA

Office of Transportation and Air Quality

Office: 202-564-1123

Mobile: 202-577-9354

On Oct 24, 2016, at 5:53 PM, Machiele, Paul <machiele.paul@epa.gov> wrote:

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To: Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Tue 10/25/2016 3:34:25 PM
Subject: RE: POO FR Language and Response Document - Take 2

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Cc: Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: POO FR Language and Response Document

Team,

Tia, Erin, Chris, David and I have been meeting on the Rollout / COMs documents in preparation for our November release of the POO decision documents.

Ex. 5 - Deliberative Process

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

Phone: 202-564-1123

Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

To: Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Thur 10/20/2016 3:33:16 PM
Subject: RE: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David
Sent: Thursday, October 20, 2016 11:23 AM
To: Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland
Sent: Wednesday, October 19, 2016 11:26 AM
To: Orlin, David <Orlin.David@epa.gov>
Subject: FW: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

From: Dubois, Roland
Sent: Wednesday, October 19, 2016 11:18 AM
To: Orlin, David <Orlin.David@epa.gov>
Subject: FW: POO FR Language and Response Document

Ex. 5 - Deliberative Process Attorney Client

Ex. 5 - Deliberative Process Attorney Client

Ex. 5 - Deliberative Process Attorney Client

From: Argyropoulos, Paul

Sent: Wednesday, October 19, 2016 9:08 AM

To: Machiele, Paul <machiele.paul@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Richards, David <Richards.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

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Web: www.epa.gov

To: Orlin, David[Orlin.David@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]
From: Le, Madison
Sent: Thur 10/6/2016 1:58:08 PM
Subject: RE: Proposed IRS language

Ex. 5 - Deliberative Process Attorney Client

From: Orlin, David
Sent: Thursday, October 06, 2016 9:30 AM
To: Le, Madison <Le.Madison@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: RE: Proposed IRS language

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Le, Madison
Sent: Thursday, October 06, 2016 9:20 AM
To: Dubois, Roland <Dubois.Roland@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Proposed IRS language

Ex. 5 - Deliberative Process Attorney Client

Ex. 5 - Deliberative Process Attorney Client

From: Dubois, Roland
Sent: Thursday, October 06, 2016 9:02 AM
To: Le, Madison <Le.Madison@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: Proposed IRS language

Ex. 5 - Deliberative Process Attorney Client

From: Le, Madison
Sent: Thursday, October 6, 2016 8:53 AM
To: Burkholder, Dallas; Orlin, David; Dubois, Roland
Subject: RE: Proposed IRS language

Great! I'm going to send it over now.

I'm out starting 2pm today and out tomorrow. I'll do what I can to squeeze in another call with the IRS this morning. I'll update you next week if there is more progress on this.

From: Burkholder, Dallas
Sent: Thursday, October 06, 2016 8:51 AM
To: Le, Madison <Le.Madison@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Proposed IRS language

Ex. 5 - Deliberative Process Attorney Client

From: Le, Madison
Sent: Wednesday, October 05, 2016 6:57 PM
To: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: RE: Proposed IRS language

Ex. 5 - Deliberative Process Attorney Client

Ex. 5 - Deliberative Process Attorney Client

From: Orlin, David
Sent: Wednesday, October 05, 2016 6:52 PM
To: Le, Madison <Le.Madison@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Proposed IRS language

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Le, Madison

Sent: Wednesday, October 05, 2016 6:23 PM

To: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

Subject: RE: Proposed IRS language

David and Roland,

Ex. 5 - Deliberative Process Attorney Client

Note: I'm out of the office, starting tomorrow at 2pm and Friday. I will try to call the IRS first thing in the morning to get the negotiations going.

Thanks,

Madison

From: Le, Madison

Sent: Wednesday, October 05, 2016 6:19 PM

To: Burkholder, Dallas <burkholder.dallas@epa.gov>

Subject: Proposed IRS language

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Burkholder, Dallas[burkholder.dallas@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
From: Le, Madison
Sent: Thur 10/6/2016 12:53:33 PM
Subject: RE: Proposed IRS language

Great! I'm going to send it over now.

I'm out starting 2pm today and out tomorrow. I'll do what I can to squeeze in another call with the IRS this morning. I'll update you next week if there is more progress on this.

From: Burkholder, Dallas
Sent: Thursday, October 06, 2016 8:51 AM
To: Le, Madison <Le.Madison@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Proposed IRS language

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From: Le, Madison
Sent: Wednesday, October 05, 2016 6:57 PM
To: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Cc: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: RE: Proposed IRS language

Ex. 5 - Deliberative Process Attorney Client

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From: Orlin, David

Sent: Wednesday, October 05, 2016 6:52 PM

To: Le, Madison <Le.Madison@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>

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To: Orlin, David[Orlin.David@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
Cc: Burkholder, Dallas[burkholder.dallas@epa.gov]
From: Le, Madison
Sent: Wed 10/5/2016 10:57:13 PM
Subject: RE: Proposed IRS language

Ex. 5 - Deliberative Process Attorney Client

Ex. 5 - Deliberative Process Attorney Client

From: Orlin, David
Sent: Wednesday, October 05, 2016 6:52 PM
To: Le, Madison <Le.Madison@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Proposed IRS language

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To: Burkholder, Dallas <burkholder.dallas@epa.gov>

Subject: Proposed IRS language

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Le, Madison[Le.Madison@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Wed 10/5/2016 10:51:43 PM
Subject: RE: Proposed IRS language

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Le, Madison
Sent: Wednesday, October 05, 2016 6:23 PM
To: Orlin, David <Orlin.David@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Proposed IRS language

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Thanks,

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From: Le, Madison
Sent: Wednesday, October 05, 2016 6:19 PM
To: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: Proposed IRS language

Ex. 5 - Deliberative Process

Ex. 5 - Attorney Client

From: Hengst, Benjamin

Sent: Thursday, September 22, 2016 9:33 AM

To: Simon, Karl; Lie, Sharyn; Parsons, Nick; Argyropoulos, Paul; Sutton, Tia; Burkholder, Dallas; Manners, Mary; Korotney, David; Burch, Julia; Le, Madison; Dubois, Roland; Charmley, William; Orlin, David; Machiele, Paul

Cc: Reid, Lauren; Anderson, Robert; Burch, Julia; Borgert, Kyle; Bunker, Byron

Subject: Updated agenda: Thursday morning's weekly fuels meeting

Updated agenda

Agenda

9/23

- CD
 - o 3 RIN fraud cases that may be rolled out at the end of September
 - o Biogas meeting with Chris on Friday
 - o next steps for Seaboard registration, Blue Sun Biodiesel bankruptcy, guidance to QAP provider
 - o Butamax biobutanol registration - on hold per OGC request
 - o E15 controls
- IG report follow up
- REGS rule
 - o Timing
 - o Coms
 - o Public Hearing
- POO
 - o Timing
 - o Meetings
 - o Roll-out coms
- RVO rule
 - o Janet meetings
 - o Options selection

From: Hengst, Benjamin

Sent: Thursday, September 22, 2016 7:05 AM

To: Simon, Karl <Simon.Karl@epa.gov>; Lie, Sharyn <Lie.Sharyn@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Korotney, David <korotney.david@epa.gov>; Burch, Julia

<Burch.Julia@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Dubois, Roland
<Dubois.Roland@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David
<Orlin.David@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>
Cc: Reid, Lauren <Reid.Lauren@epa.gov>; Anderson, Robert <Anderson.Robert@epa.gov>;
Burch, Julia <Burch.Julia@epa.gov>
Subject: Thursday morning's weekly fuels meeting

Hi Folks--

We'd like to keep today's 10am fuels weekly on the books, and will meet in Chris's office both in DC and Ann Arbor by video, as usual. Obviously, Chris is out (as is Byron), but the plan is to use the time to tick through a few things.

We have enough going on in fuels-world that it makes sense to put a few items on the agenda, including:

1. Update on REGS rule (timing, coms materials, etc)
2. Update on point of obligation WH briefing and next steps
3. Next steps on RVO work
4. Next steps on IG lifecycle report
5. Other miscellaneous items

Please let me know if there's more to put on the agenda.

thanks

Ben

From: Grundler, Christopher

Sent: Thursday, March 14, 2013 2:03 PM

To: Grundler, Christopher; Simon, Karl; Hengst, Benjamin; Lie, Sharyn; Camobreco, Vincent; Weihrauch, John; Cook, Leila; Parsons, Nick; Argyropoulos, Paul; Sutton, Tia; Burkholder, Dallas; Manners, Mary; Bunker, Byron; Korotney, David; Burch, Julia; Le, Madison; Dubois, Roland; Larson, Robert; Charmley, William; Cohen, Janet; Audette, Lucie; Orlin, David; Machiele, Paul

Cc: Reid, Lauren; Shelby, Michael; Haugen, David; Snapp, Lisa; Monger, Jon; Anderson, Robert

Subject: Weekly Fuels Issues Meeting

When: Thursday, September 22, 2016 10:00 AM-11:00 AM.

Where: RM. 6520 DC/RM. C-174 DOD AA - 866299-3188, Access Code: 202 564-1103

To: Dubois, Roland[Dubois.Roland@epa.gov]
From: Machiele, Paul
Sent: Tue 9/20/2016 7:51:19 PM
Subject: FW: strange take on things

From: Machiele, Paul
Sent: Tuesday, September 20, 2016 3:51 PM
To: Burkholder, Dallas <burkholder.dallas@epa.gov>; Reid, Lauren <Reid.Lauren@epa.gov>
Subject: FW: strange take on things

Another party speaking out for Valero

From: Simon, Karl
Sent: Tuesday, September 20, 2016 2:40 PM
To: Bunker, Byron <bunker.byron@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Subject: strange take on things

EPA program subject to 'illegal exploitation' — report

Marc Heller, E&E reporter

Published: Tuesday, September 20, 2016

U.S. EPA's renewable fuel credits system is open to fraud that's becoming more organized, said a former director of the agency's law enforcement branch.

Doug Parker, former head of the Criminal Investigative Division, said in a [report](#) for Valero Energy Corp. that EPA needed to reorganize its renewable fuel standard program to make it less vulnerable to criminal fraud, particularly in the system of renewable identification numbers, or RINs.

Parker is president of E&W Strategies, a Washington, D.C.-based consulting firm. Valero is among the companies suing EPA over the renewable fuel standard program.

"As the former senior law enforcement who initiated and oversaw a nationwide effort aimed at investigating significant fraud in this program, I believe the existing regulatory and oversight framework

will continue to provide opportunities for illegal exploitation and lead to competitive distortions in this sector," Parker said.

RFS fraud appears to be transitioning from individuals to "much more sophisticated organizations," which EPA has been unable to thwart, Parker said. And some of the fraudsters are tied to international criminal networks, he said.

The federal government has prosecuted a handful of RFS fraud cases in the past few years. In 2015, a federal judge sentenced four Florida residents to prison for selling more than \$15 million in fake biodiesel credits, among other violations ([Greenwire](#), Aug. 28, 2015).

Parker said the system of RINs — credits assigned, by volume, to renewable fuels blended into other fuel — is built in a way that encourages fraud. Rising prices for the credits have given fraudsters an incentive, Parker said.

RINs are assigned to fuel until it's blended. At that point, companies can trade or hold credits for future compliance with renewable fuel mandates.

The system would be less tempting, Parker said, if RINs, like commodities, were traded on an open market. And he said making blenders rather than refiners and importers responsible for meeting the RFS mandate — the so-called point of obligation — would improve accountability.

Moving the point of obligation has been a rallying cry for Valero and other refiners, and EPA officials have said they're considering the idea.

"Fraud thrives when opportunities for exploitation and large-scale illicit gain meet as they have done within the RFS," Parker said.

RFS fraud has so far been confined largely to biodiesel, said Parker. Still, he said the system as a whole remains at risk.

A spokesman for the National Biodiesel Board, Ben Evans, said he didn't see much new in the report. And the Renewable Fuels Association, representing ethanol producers, said the issue doesn't apply to their industry.

"While there were a few isolated cases of RIN fraud in the biodiesel sector, fraud has not been an issue at all with ethanol RINs," said the RFA's Senior Vice President Geoff Cooper in a statement.

An EPA spokeswoman said the agency was working with the federal Commodity Futures Trading Commission to fight fraud, including sharing compliance data, through a formal interagency agreement. "The Agency continues to monitor all facets of the implementation of this program, including the RIN market," she said.

Driving Innovation in Clean Transportation

To: Machiele, Paul[machiele.paul@epa.gov]; Reid, Lauren[Reid.Lauren@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]
Cc: Dubois, Roland[Dubois.Roland@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Hengst, Benjamin
Sent: Tue 9/20/2016 2:07:00 PM
Subject: FW: EOP slides, roll-out plan
Point of Obligation for EOP, 9.21.16.pptx

Hi all:

Janet reviewed the WH POO slides and said they were well done. I've attached the current draft.

Here were here questions, though I'm not sure we actually have to make edits based on these.
Ben

Here are a few initial thoughts, I'll probably have more tomorrow.

Ex. 5 - Deliberative Process

Do you know where Trevor is on this whole thing?

To: Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Tue 9/13/2016 2:24:38 AM
Subject: RE: POO petitions

Ok thanks

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland
Sent: Monday, September 12, 2016 10:24 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: Re: POO petitions

Ex. 5 - Attorney Client

From: Orlin, David
Sent: Monday, September 12, 2016 9:47 PM
To: Dubois, Roland
Subject: RE: POO petitions

I am in sharepoint but they haven't given me (and I assume you) access to the sharepoint site/document, so there's no way we can actually use sharepoint. I will go ahead and put my comments on top of yours in this document, and then I will send it on (unless that plan doesn't work for you?)

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland
Sent: Monday, September 12, 2016 6:38 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: Re: POO petitions

Sorry, when Dallas said it didn't matter if he got our comments tonight versus tomorrow morning, I took a break to mow the lawn. Anyway, this is what I have so far. (I intend to go back and review my comments and check the cites.) Note that I was unable to use sharepoint, so intend to send my comments in a word file. Please let me know to what extent you want to coordinate sending our comments. Thanks.

From: Orlin, David
Sent: Monday, September 12, 2016 4:42 PM
To: Dubois, Roland
Subject: Re: POO petitions

I am back in town and will be going online later to add my comments. Are you able to get into sharepoint and add your comments there? I was hoping to get sharepoint to work for me. Feel free to send me your comments and if I can't get sharepoint to work I can add to your doc (but I've had pretty good luck lately, knock wood)

On Sep 12, 2016, at 2:33 PM, Dubois, Roland <Dubois.Roland@epa.gov> wrote:

Dave, I will incorporate Lisa's few comments with mine. I am just about done reading and commenting on the document proper. When done, I intend to go through the footnotes and check cites. Lastly, I will read the POO brief again (and perhaps the major petitions) to see if there are additional arguments we should address.

Please let me know if you would like me to send you my comments so far. Also, please let me know your thoughts on how to coordinate comments on this draft. (Should I just send mine on when I am done?) Thanks.

From: Bell, Lisa (ENRD) <Lisa.Bell@usdoj.gov>
Sent: Monday, September 12, 2016 1:09 PM
To: Dubois, Roland; Orlin, David
Subject: POO petitions--DOJ comments

Hi Roland and David,

Attached are my very few comments (I think there are three) on the (very thorough!) POO petitions proposed denial. Below are some answers to issues we've previously discussed about the response. Please let me know if you have any follow up questions or would like me to look at something in particular that I may have missed. I will be unavailable beginning at 1:30 until around 4:30, but will be back online afterward.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks!

Lisa

Lisa Bell

Trial Attorney

United States Department of Justice

Environmental Defense Section

(202) 514-9275

Lisa.Bell@usdoj.gov

To: Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Wed 9/7/2016 2:58:14 PM
Subject: RE: Janet's comments on draft POO response

Ex. 5 - Deliberative Process Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland
Sent: Wednesday, September 07, 2016 10:33 AM
To: Orlin, David <Orlin.David@epa.gov>
Subject: FW: Janet's comments on draft POO response

Hi Dave. Forwarding this link from Dallas in case you have not yet found your way to the draft POO response with Janet's comments.

From: Burkholder, Dallas
Sent: Wednesday, September 07, 2016 8:20 AM
To: Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: Janet's comments on draft POO response

This link should take you to the point of obligation folder on the sharepoint site:
https://usepa.sharepoint.com/sites/oar_Work/RFS2017_2018/SitePages/Home.aspx?RootFolder=%2Fsites%2F

From there you will look for version 7 of the draft response (it should be the top one on the list). All the other documents should be read only. If you right-click on the file name and select open in word (rather than open in word online) you should be able to read and make edits with the full functionality of word – including track changes. If for any reason that doesn't work let me know and I can send you the version of the file with Janet's comments entered.

From: Dubois, Roland
Sent: Tuesday, September 06, 2016 5:54 PM
To: Burkholder, Dallas <burkholder.dallas@epa.gov>
Subject: Re: Janet's comments on draft POO response

Dallas, how would i find the document on sharepoint? (I seem to have access, but am not sure how to navigate to the document.) Thanks.

From: Burkholder, Dallas
Sent: Tuesday, September 6, 2016 4:45 PM
To: Machiele, Paul
Cc: Hengst, Benjamin; Burch, Julia; Reid, Lauren; Orlin, David; Dubois, Roland; Le, Madison; Argyropoulos, Paul
Subject: Re: Janet's comments on draft POO response

I just finished reviewing Janet's comments and entering them into the sharepoint file. Nothing stood out to me as significant issues, but others should feel free to take a look as well (if may be easier to find and read comments on the sharepoint version vs. reading the PDF file). I think we should be able to address these by the end of the day tomorrow. Of course, we still expect additional comments from Chris, and possibly

Ex. 5 - Attorney Client

Madison and Lauren, when addressing Janet's comments please do not delete the bubble comments, but rather type some kind of response at the end of the bubble comment to note that you have addressed it. Janet often likes to see how we addressed her comments, and this is usually the easiest way for her to see that quickly.

From: Machiele, Paul
Sent: Tuesday, September 6, 2016 1:49:12 PM
To: Burkholder, Dallas
Subject: Fw: Janet's comments on draft POO response

From: Hengst, Benjamin
Sent: Tuesday, September 6, 2016 1:34 PM
To: Machiele, Paul; Burch, Julia; Reid, Lauren; Dubois, Roland; Orlin, David
Cc: Le, Madison; Argyropoulos, Paul
Subject: Janet's comments on draft POO response

I assume Dallas/Lauren will have pen on incorporating edits/responses?

We can use our RFS update with Janet tomorrow to flag any specific questions/comments we'd like to discuss with her, so please take a look at this before our meeting tomorrow.

Ben

From: DC-WJCN-6520Y-M@epa.gov <DC-WJCN-6520Y-M@epa.gov>
Sent: Tuesday, September 6, 2016 1:36 PM
To: Hengst, Benjamin
Subject:

Ex. 5 - Attorney Client

From: Argyropoulos, Paul

Sent: Thursday, September 1, 2016 1:43 PM

To: Grundler, Christopher; McCabe, Janet; Stewart, Lori; Lewis, Josh

Cc: Machiele, Paul; Hengst, Benjamin; Reid, Lauren; Le, Madison; Dubois, Roland; Burkholder, Dallas; Orlin, David; Simon, Karl; Bunker, Byron; Sutton, Tia

Subject: DRAFT Response: Point of Obligation Petitions

Janet and Chris,

As you know, the tentative plan is to move forward with responding to the petitions on changing the Point of Obligation (POO) potentially this month (yes, it is now September). Dallas, Lauren, Paul M, David O and Roland, as well as a number of others have been working hard to get this draft ready for your review. We now feel comfortable enough with it to move forward for your review. Please let us know if you have any questions. We can set up a time to run through

questions and comments once you have completed your review.

Just as a reminder, while a final decision on when to release this may still need to be discussed, the initial plan was to announce this September 14th, or sometime that week. If we plan to stick to that timing, we'll need your comments early next week so we can work to get this in final.

I'll be working with Erin and the Coms team to prep for a release as well.

Thanks, Happy Labor Day Weekend.

Paul

Paul Argyropoulos

Senior Policy Advisor

US EPA

Office of Transportation and Air Quality

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Mobile: 202-577-9354

Email: argyropoulos.paul@epa.gov

Web: www.epa.gov

To: Reid, Lauren[Reid.Lauren@epa.gov]
Cc: Dubois, Roland[Dubois.Roland@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Read, David[read.david@epa.gov]
From: Sutton, Tia
Sent: Fri 9/2/2016 6:30:43 PM
Subject: FW: For Janet's Review: Response to Small Refinery Coalition Request for Stay of 2016 Compliance Deadline
[Draft 2016 Admin Stay Request Response.docx](#)
[Perkins Coie request for stay of deadlines.pdf](#)
[Letter to EPA RFS Stay - 8.5.2016.pdf](#)

FYI-

I made the edit in the Word file and included all of the attachments in one fell swoop. I also made a couple minor edits to the cover note (since this was somewhat drafted for Chris), but nothing major.

Printing and sprinting down now to get in Janet's hands! ☺

From: Sutton, Tia
Sent: Friday, September 02, 2016 2:25 PM
To: OAR Briefings <OAR_Briefings@epa.gov>
Cc: Burch, Julia <Burch.Julia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: For Janet's Review: Response to Small Refinery Coalition Request for Stay of 2016 Compliance Deadline

All,

The following materials for Janet's weekend book are attached:

- Draft response letter to the Small Refinery Ad Hoc Coalition's Request for a stay of the 2016 RFS compliance deadline, for Janet's review
- The 2014-2015 Stay Request from the Coalition seeking a stay
- The 2016 Stay Request from the Coalition which incorporates the 2014-2015 Stay Request

Please also include the cover note below from the team regarding the draft letter and review process.

I will print now and run down to you all shortly! Thanks!

-Tia

From: Reid, Lauren

Sent: Friday, September 02, 2016 2:08 PM

To: OTAQ Materials <OTAQMaterials@epa.gov>

Subject: Response to Small Refinery Coalition Request for Stay of 2016 Compliance Deadline

Attached is a draft response to the Small Refinery Ad Hoc Coalition's Request for a stay of the 2016 RFS compliance deadline pending judicial review of the 2014-16 standards rule. This letter is for Janet's signature.

Ex. 5 - Deliberative Process

Ex. 5 - Attorney Client

Lauren A. Reid

Attorney-Advisor

Office of Air and Radiation

U.S. Environmental Protection Agency

2000 Traverwood Dr

Ann Arbor, MI

734.214.4640

reid.lauren@epa.gov

To: Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Wed 8/31/2016 7:50:02 PM
Subject: RE: latest POO

Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Dubois, Roland
Sent: Wednesday, August 31, 2016 3:43 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: RE: latest POO

Ex. 5 - Deliberative Process Attorney Client

From: Orlin, David
Sent: Wednesday, August 31, 2016 3:37 PM
To: Dubois, Roland <Dubois.Roland@epa.gov>
Subject: RE: latest POO

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Sent: Wednesday, August 31, 2016 2:26 PM

To: Dubois, Roland <Dubois.Roland@epa.gov>

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Sent: Wednesday, August 31, 2016 9:17 AM
To: Dubois, Roland <Dubois.Roland@epa.gov>
Subject: latest POO

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To: Dubois, Roland[Dubois.Roland@epa.gov]
From: Orlin, David
Sent: Wed 8/31/2016 7:45:35 PM
Subject: RE: latest POO

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